

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

FILED

2006 MAY -2 A 11: 16

FRANK KENNEBREW,

EEOC Case No. NONE

Petitioner,

FCHR Case No. 2004-22864

v.

DOAH Case No. 05-1217

MIAMI-DADE COUNTY PUBLIC SCHOOLS,

FCHR Order No. 06-033

Respondent.

**FINAL ORDER DISMISSING PETITION FOR
RELIEF FROM AN UNLAWFUL EMPLOYMENT PRACTICE**

Preliminary Matters

Petitioner Frank Kennebrew filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (2003), alleging that Respondent Miami-Dade County Public Schools committed an unlawful employment practice on the basis of Petitioner's race (Black) by terminating Petitioner from his position of ESOL Instructor.

Petitioner filed a Petition for Relief from an Unlawful Employment Practice, and the case was transmitted to the Division of Administrative Hearings for the conduct of a formal proceeding.

An evidentiary hearing was held by video teleconference at sites in Tallahassee and Miami, Florida, on June 9, 2005, before Administrative Law Judge Michael M. Parrish.

Judge Parrish issued a Recommended Order of dismissal, dated February 20, 2006.

The Commission panel designated below considered the record of this matter and determined the action to be taken on the Recommended Order.

Findings of Fact

We find the Administrative Law Judge's findings of fact to be supported by competent substantial evidence.

We adopt the Administrative Law Judge's findings of fact.

Conclusions of Law

We find the Administrative Law Judge's application of the law to the facts to result in a correct disposition of the matter.

We adopt the Administrative Law Judge's conclusions of law.

Exceptions

Neither party filed exceptions to the Administrative Law Judge's Recommended Order.

Dismissal

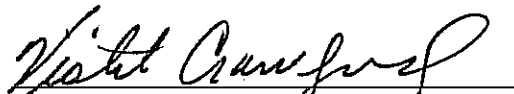
The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

The parties have the right to seek judicial review of this Order. The Commission and the appropriate District Court of Appeal must receive notice of appeal within 30 days of the date this Order is filed with the Clerk of the Commission. Explanation of the right to appeal is found in Section 120.68, Florida Statutes, and in the Florida Rules of Appellate Procedure 9.110.

DONE AND ORDERED this 28th day of April, 2006.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Gilbert M. Singer, Panel Chairperson;
Commissioner Anice R. Prosser; and
Commissioner Dominique B. Saliba, M.D.

Filed this 28th day of April, 2006,
in Tallahassee, Florida.


Violet Crawford, Clerk
Commission on Human Relations
2009 Apalachee Parkway, Suite 100
Tallahassee, FL 32301
(850) 488-7082

Copies furnished to:

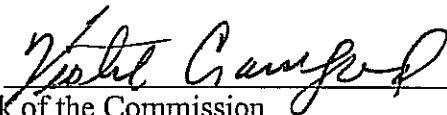
Frank Kennebrew
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Miami, FL 33177

Miami-Dade County Public Schools
c/o Ana I. Segura, Esq.
School Board of Miami-Dade County
1450 Northeast Second Avenue, Suite 400
Miami, FL 33132

Michael M. Parrish, Administrative Law Judge, DOAH

James Mallue, Legal Advisor for Commission Panel

I HEREBY CERTIFY that a copy of the foregoing has been mailed to the above listed addressees this 28th day of April, 2006.

By: 
Clerk of the Commission
Florida Commission on Human Relations