

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

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DIVISION OF
ADMINISTRATIVE
HEARINGS

MARLOW WILLIAMS,

EEOC Case No. 1501A500300

Petitioner,

FCHR Case No. 2005-00746

v.

DOAH Case No. 05-1922

UNCLE ERNIE'S,

FCHR Order No. 06-040

Respondent.

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

Preliminary Matters

Petitioner Marlow Williams 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 Uncle Ernie's, a restaurant, committed an unlawful employment practice on the basis of Petitioner's race (Black) by subjecting Petitioner to harassment and terminating Petitioner from employment as a dishwasher.

The allegations set forth in the complaint were investigated, and, on April 18, 2005, the Executive Director issued his determination finding that there was no reasonable cause to believe that an unlawful employment practice had occurred.

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.

Administrative Law Judge Suzanne F. Hood issued an Order Closing File, dated August 22, 2005, based on Petitioner's failure to appear at the scheduled August 19, 2005, administrative hearing in the matter.

The Commission issued an "Order Remanding Petition for Relief from an Unlawful Employment Practice," dated November 3, 2005, directing the Administrative Law Judge to make "further findings on whether Petitioner received notice of the August 19, 2005, administrative hearing that complied with the legal requirements for being provided notice, and if Petitioner did not, for further proceedings on the Petition for Relief."

An evidentiary hearing on the notice issue and on the merits was held in Panama City, Florida, on January 25, 2006, before Judge Hood.

Judge Hood issued a Recommended Order of dismissal, dated March 23, 2006.

The Commission panel designated below considered the record of this matter and determined the action to be taken on the Recommended Order, dated March 23, 2006.

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

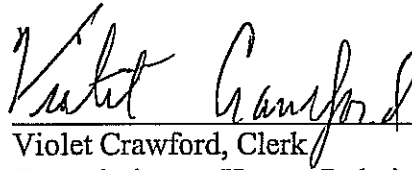
The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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 24th day of May, 2006.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Billy Whitefox Stall, Panel Chairperson;
Commissioner Donna Elam; and
Commissioner Dominique B. Saliba, M.D.

Filed this 24th day of May, 2006,
in Tallahassee, Florida.



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

NOTICE TO COMPLAINANT / PETITIONER

As your complaint was filed under Title VII of the Civil Rights Act of 1964, which is enforced by the U.S. Equal Employment Opportunity Commission (EEOC), you have the right to request EEOC to review this Commission's final agency action. To secure a "substantial weight review" by EEOC, you must request it in writing within 15 days of your receipt of this Order. Send your request to Miami District Office (EEOC), One Biscayne Tower, 2 South Biscayne Blvd., Suite 2700, 27th Floor, Miami, FL 33131.

Copies furnished to:

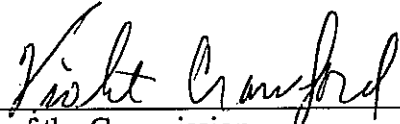
Marlow Williams
6526 Lance Street
Panama City, FL 32404

Uncle Ernie's
c/o Gary R. Wheeler, Esq.
McConnaughay, Duffy, Coonrod,
Pope & Weaver, P.A.
Post Office Box 550770
Jacksonville, FL 32255-0770

Suzanne F. Hood, 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 24th day of May, 2006.

By: 
Clerk of the Commission
Florida Commission on Human Relations