

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

FILED

2006 MAY -2 A 11: 16

MARTHA ANN GATES,

EEOC Case No. NONE

Petitioner,

FCHR Case No. 2005-0005

v.

DOAH Case No. 05-2403

GADSDEN COUNTY SCHOOL BOARD,

FCHR Order No. 06-032

Respondent.

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

Preliminary Matters

Petitioner Martha Ann Gates 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 Gadsden County School Board committed an unlawful employment practice on the basis of Petitioner's race (white) by failing to hire Petitioner for a position for which she had applied.

The allegations set forth in the complaint were investigated, and, on March 25, 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.

An evidentiary hearing was held in Quincy, Florida, on October 3, 2005, before Administrative Law Judge Diane Cleavinger.

Judge Cleavinger issued a Recommended Order of dismissal, dated February 13, 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
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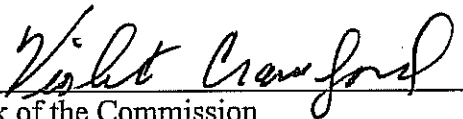
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Diane Cleavinger, Administrative Law Judge, DOAH

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