

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

FILED

CHAROLETTE JONES,

Petitioner,

v.

AKAL SECURITY,

Respondent.

EEOC Case No. 15DA500551

FCHR Case No. 2005-00592

DOAH Case No. 05-3279

FCHR Order No. 06-082

2006 SEP 20 A 11:15

DIVISION OF
ADMINISTRATIVE
HEARINGS

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

This matter is before the Commission for consideration of the Recommended Order of Dismissal, dated August 2, 2006, issued in the above-styled matter by Administrative Law Judge Errol H Powell.

Findings of Fact and Conclusions of Law

Judge Powell's order reflects that the matter was before him on "Respondent's Motion to Dismiss the Petition for Lack of Subject Matter Jurisdiction or for Summary Final Order."

Petitioner alleged that Respondent discriminated against her on the basis of sex (female) and marital status (single) resulting in harassment, discipline, denial of promotion, denial of training, unfair terms and conditions, and termination.

Judge Powell recommended that the Commission dismiss the Petition for Relief for lack of subject matter jurisdiction.

Judge Powell found the location of Petitioner's employment, Krome Servicing Processing Center (Krome), to be a federal enclave, that Petitioner alleged that the discriminatory conduct occurred at Respondent's worksite, which is located at Krome, and concluded that no congressional mandate authorized Florida's anti-discrimination laws to be applicable and enforceable at the federal enclave, Krome.

We adopt the Administrative Law Judge's findings of fact, conclusions of law, and recommendation that the Petition for Relief be dismissed. Accord, generally, Faulconer v. Tracor Services Corporation, 22 F.A.L.R.1752 (FCHR 1999).

Exceptions

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

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 of appeal is found in Section 120.68, Florida Statutes, and in the Florida Rules of Appellate Procedure 9.110.

DONE AND ORDERED this 18th day of September, 2006.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Rita Craig, Panel Chairperson;
Commissioner Roosevelt Paige; and
Commissioner Dominique B. Saliba, M.D.

Filed this 18th day of September, 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:


Charolette Jones
444 East Mowry Drive, Apartment 7
Homestead, FL 33030

AKAL Security
c/o Aaron Reed, Esq.
Littler Mendelson, P.C.
2 South Biscayne Boulevard, Suite 1500
Miami, FL 33131

Errol H. Powell, 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 18th day of September, 2006.

By: 
Clerk of the Commission
Florida Commission on Human Relations