

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

FILED
06 JUN 16 PM 2:09
DIVISION OF
ADMINISTRATIVE
HEARINGS

JOHNNY PEÑA,

Petitioner,

v.

AMERICAN AIRLINES, INC.,

Respondent.

EEOC Case No. NONE

FCHR Case No. 2005-02407

DOAH Case No. 05-4136

FCHR Order No. 06-056

JOSE CASTELLANOS,

Petitioner,

v.

AMERICAN AIRLINES, INC.,

Respondent.

EEOC Case No. NONE

FCHR Case No. 2005-02190

DOAH Case No. 05-4139

FCHR Order No. 06-056

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

Preliminary Matters

Petitioners Johnny Peña and Jose Castellanos filed complaints of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (2003), alleging that Respondent American Airlines, Inc., committed unlawful employment practices on the basis of Petitioners' National Origin (Hispanic) by terminating Petitioners from employment.

The allegations set forth in the complaints were investigated, and, on October 5, 2005, the Executive Director issued his determinations in both cases finding that there was no reasonable cause to believe that unlawful employment practices had occurred.

Petitioners filed Petitions for Relief from an Unlawful Employment Practice, and the cases were transmitted to the Division of Administrative Hearings for the conduct of a formal proceeding.

The Division of Administrative Hearings consolidated the cases, and an evidentiary hearing was held by video teleconference at sites in Miami and Tallahassee, Florida, on February 24, 2006, before Administrative Law Judge Stuart M. Lerner.

Judge Lerner issued a Recommended Order of dismissal, dated May 15, 2006, recommending that the Commission dismiss both Petitions for Relief.

The Commission panel designated below considered the records of these matters 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

None of the parties filed exceptions to the Administrative Law Judge's Recommended Order.

Dismissal

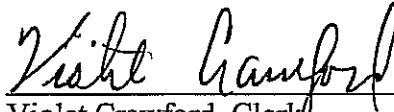
The Petitions for Relief and Complaints of Discrimination are DISMISSED with prejudice.

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 15th day of June, 2006.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Gilbert M. Singer, Panel Chairperson;
Commissioner Dominique B. Saliba, M.D.; and
Commissioner Billy Whitefox Stall

Filed this 15th day of June, 2006,
in Tallahassee, Florida.



Violet Crawford, Clerk
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Stuart M. Lerner, 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 15th day of June, 2006.

By: *Krista Crawford*
Clerk of the Commission
Florida Commission on Human Relations