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Florida Agricultural and Mechanical University

TALLAHASSEE, FLORIDA 32307-3100

CASTELL VAUGHN BRYANT, INTERIM PRESIDENT

OFFICE OF THE PRESIDENT

TELEPHONE: (850) 599-3225

FAX: (850) 561-2152

TDD: (850) 561-2784

October 26, 2006

Ms. Ann Cole, Clerk
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, FL 32399-3060

Re: Florida Agricultural and Mechanical University v. Dana Barnes
Case No. 06-0627

2006 NOV - 1 A 11:46
FILED
DIVISION OF
ADMINISTRATIVE
HEARINGS

Dear Ms. Cole:

Pursuant to Sections 120.57(1)(m), Florida Statutes, I am enclosing for filing a copy of the Final Order rendered in the above-referenced case.

Sincerely,

Castell V. Bryant
Interim President

Enclosure

Copy: Elizabeth T. McBride, Esquire
Ben R. Patterson, Esquire
Antoneia L. Roe, Esquire
David C. Self, II, Esquire

STATE OF FLORIDA
FLORIDA AGRICULTURAL AND MECHANICAL UNIVERSITY

FILED

FLORIDA AGRICULTURAL AND
MECHANICAL UNIVERSITY,

2006 NOV -1 A 11: 46

Petitioner,

DIVISION OF
ADMINISTRATIVE
HEARINGS

vs.

Case No. 06-0627

DANA BARNES,

Respondent.

OFFICE OF THE PRESIDENT

2006 OCT 24 AM 10: 37

FLORIDA A&M UNIVERSITY

FINAL ORDER

PRELIMINARY STATEMENT

Mr. Dana Barnes filed an appeal of the decision of Florida Agricultural and Mechanical University (University) to dismiss Mr. Barnes due to his conduct resulting in insubordination. Mr. Barnes' appeal regarding this matter was referred to the Division of Administrative Hearings.

Pursuant to notice, a formal hearing in the above styled case was held on April 21, 2006 in Tallahassee, Florida. Administrative Law Judge Ella Jane P. Davis presided over the proceedings.

At the formal hearing, both the Petitioner and the Respondent offered testimony and exhibits. A transcript of the proceedings was filed with the Division of Administrative Hearings. Both parties filed Proposed Recommended Orders. A Recommended Order was issued by the Administrative Law Judge on August 2, 2006.

STATEMENT OF THE ISSUE

Whether Respondent was properly terminated by Petitioner for just cause or is entitled to reinstatement with back pay and benefits.

FINDINGS OF FACT

The University accepts the Findings of Fact set forth in the Administrative Law Judge's Recommended Order.


CONCLUSIONS OF LAW

The University accepts the Conclusions of Law set forth in the Recommended Order.

ORDER

Based on the foregoing, it is hereby ORDERED and DIRECTED that the Recommendation of the Administrative Law Judge is hereby ADOPTED. The University hereby rescinds its letter dated August 15, 2005. The University will reinstate the Respondent to employment effective August 15, 2005, including salary and benefits. In addition, Respondent is hereby laid-off effective August 29, 2006, with all layoff rights and entitlements appropriate to his job position and bargaining unit.

DONE and ORDERED this 24th day of October 2006, in Tallahassee,
Florida.


Castell Vaughn Bryant
Interim President
Florida A&M University
Lee Hall, Suite 400
Tallahassee, Florida 32307
(850) 599-3225

NOTICE OF RIGHT TO JUDICIAL REVIEW

A Party who is adversely affected by this Final Order is entitled to judicial review pursuant to Section 120.68, Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a notice of appeal with the Agency Clerk of Florida Agricultural and Mechanical University, Office of the General Counsel, Lee Hall, Suite 300, Tallahassee, Florida 32307, and a second copy, accompanied by filing fees prescribed by law, with the First District Court of Appeal. The Notice of Appeal must be filed within 30 days of rendition of this Order.