

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

CORRINE HAMILTON,

Petitioner,

v.

FLORIDA STATE HOSPITAL,

Respondent.

EEOC Case No. 15D200700451

FCHR Case No. 2007-01186

DOAH Case No. 07-3369

FCHR Order No. 09-040

FILED

2009 MAY 14 A 10:42

DIVISION OF
ADMINISTRATIVE
HEARINGS

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

Preliminary Matters

Petitioner Corrine Hamilton filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (2005), alleging that Respondent Florida State Hospital committed an unlawful employment practices on the basis of Petitioner's race (Black) by giving Petitioner different terms and conditions of employment, by denying Petitioner training, by harassing Petitioner, by suspending Petitioner, and by terminating Petitioner from employment.

The allegations set forth in the complaint were investigated, and, on July 10, 2007, the Executive Director issued his "Determination: No Jurisdiction" finding that the Commission lacked jurisdiction over the matter because Respondent was not Petitioner's employer during the relevant time period.

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 on the issue of jurisdiction was held in Quincy, Florida, on January 28, 2008, before Administrative Law Judge P. Michael Ruff.

Judge Ruff issued a Recommended Order of dismissal, dated March 5, 2008.

In an Order dated May 6, 2008, the Commission remanded the case to Judge Ruff over concern that the correct address was not used to mail the Recommended Order to Petitioner.

Judge Ruff issued an Amended Recommended Order (amended as to Petitioner's address), dated February 19, 2009.

The Commission panel designated below considered the record of this matter and determined the action to be taken on the Amended Recommended Order.

Findings of Fact

A transcript of the proceeding before the Administrative Law Judge was not filed with the Commission. In the absence of a transcript of the proceeding before the Administrative Law Judge, the Recommended Order is the only evidence for the Commission to consider. See National Industries, Inc. v. Commission on Human Relations, et al., 527 So. 2d 894, at 897, 898 (Fla. 5th DCA 1988). Accord, Goings v. Twin Oak Juvenile Development, Inc., FCHR Order No. 08-041 (July 8, 2008), Beach-Gutierrez v. Bay Medical Center, FCHR Order No. 05-011 (January 19, 2005), and Waaser v. Streit's Motorsports, FCHR Order No. 04-157 (November 30, 2004).

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 Amended Recommended Order.

Dismissal

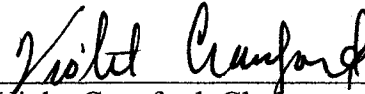
The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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 12th day of May, 2009.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Gayle Cannon, Panel Chairperson;
Commissioner Patty Ball Thomas; and
Commissioner Mario M. Valle

Filed this 12th day of May, 2009,
in Tallahassee, Florida.



Violet Crawford, Clerk
Commission on Human Relations
2009 Apalachee Parkway, Suite 200
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:

Corrine Hamilton
605 E. Betlinet Drive
Quincy, FL 32351


Corrine Hamilton
440 South Cone Street
Quincy, FL 32351

Florida State Hospital
c/o Jacqueline H. Smith, Esq.
Department of Children and Family Services
Post Office Box 1000
Chattahoochee, FL 32324-1000

P. Michael Ruff, 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 12th day of May, 2009.

By: 
Clerk of the Commission
Florida Commission on Human Relations