

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

FILED  
08 SEP 18 PM 1:30  
DIVISION OF  
ADMINISTRATIVE  
HEARINGS

LINDA M. CINNANTE,

EEOC Case No. NONE

Petitioner,

FCHR Case No. 2007-02124

v.

DOAH Case No. 08-0715

KMART CORPORATION,

FCHR Order No. 08-059

Respondent.

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

Preliminary Matters

Petitioner Linda M. Cinnante 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 Kmart Corporation committed an unlawful employment practice on the basis of Petitioner's sex (female) by terminating Petitioner from employment.

The allegations set forth in the complaint were investigated, and, on January 23, 2008, 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 conducted by video teleconference at sites in Tallahassee and Fort Lauderdale, Florida, on June 3, 2008, before Administrative Law Judge Patricia M. Hart.

Judge Hart issued a Recommended Order of dismissal, dated July 31, 2008.

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

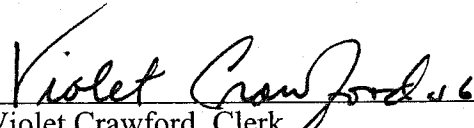
The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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 16<sup>th</sup> day of September, 2008.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Donna Elam, Panel Chairperson;  
Commissioner Gayle Cannon; and  
Commissioner Billy Whitefox Stall

Filed this 16<sup>th</sup> day of September, 2008,  
in Tallahassee, Florida.

  
Violet Crawford, Clerk  
Commission on Human Relations  
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Patricia M. Hart, 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 16<sup>th</sup> day of September, 2008008.

By: Violet Crawford  
Clerk of the Commission  
Florida Commission on Human Relations