

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

FILED  
2009 AUG -4 A 10:36  
DIVISION OF  
ADMINISTRATIVE  
HEARINGS

DIANNA DECKER,

EEOC Case No. 15D200800236

Petitioner,

FCHR Case No. 2008-00505

v.

DOAH Case No. 08-2528

THE GADSDEN COUNTY SCHOOL BOARD  
and REGINALD JAMES,  
SUPERINTENDENT OF GADSDEN  
COUNTY SCHOOLS,

FCHR Order No. 09-064

Respondents.

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

Preliminary Matters

Petitioner Dianna Decker filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (2007), alleging that Respondents Gadsden County School Board and Reginald James, Superintendent of Gadsden County Schools, committed unlawful employment practices on the bases of Petitioner's race (white) by denying Petitioner promotion and by constructively discharging Petitioner.

The allegations set forth in the complaint were investigated, and, on April 22, 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 held in Tallahassee, Florida, on February 24, 2009, before Administrative Law Judge Linda M. Rigot.

Judge Rigot issued a Recommended Order of dismissal, dated May 6, 2009.

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

None of the parties 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 3<sup>rd</sup> day of August, 2009.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Gilbert M. Singer, Panel Chairperson;  
Commissioner Watson Haynes, II; and  
Commissioner Patty Ball Thomas

Filed this 3<sup>rd</sup> day of August, 2009,  
in Tallahassee, Florida.

  
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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:

Dianna Decker  
c/o Bruce Alexander Minnick, Esq.  
The Minnick Law Firm  
Post Office Box 15588  
Tallahassee, FL 32317

The Gadsden County School Board and  
Reginald James, Superintendent of Gadsden County Schools  
c/o Matthew Carson, Esq.  
c/o Linda G. Bond, Esq.  
Rumberger, Kirk & Caldwell, P.A.  
215 South Monroe Street, Suite 130  
Tallahassee, FL 32301

Linda M. Rigot, 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 3<sup>rd</sup> day of August, 2009.

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