

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

FILED
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DIVISION OF
ADMINISTRATIVE
HEARINGS

SHIRLEY JACKSON,

EEOC Case No. 15D200800155

Petitioner,

FCHR Case No. 2007-02613

v.

DOAH Case No. 08-2570

DOLLAR GENERAL CORPORATION,

FCHR Order No. 09-022

Respondent.

**ORDER REMANDING PETITION FOR
RELIEF FROM AN UNLAWFUL EMPLOYMENT PRACTICE**

This matter is before the Commission for consideration of the Recommended Order, dated January 9, 2009, issued in the above-styled matter by Administrative Law Judge Diane Cleavinger.

Findings of Fact and Conclusions of Law

We note that the record reflects that the address of Petitioner's counsel is 2211 Thomas Drive, Suite 100, Panama City Beach, FL 32408. The Recommended Order reflects that it was sent to Petitioner's counsel at the address of 221 Thomas Drive, [no suite number], Panama City Beach, FL 32408 [emphasis added]. We are concerned that Petitioner's counsel may not have received a copy of the Recommended Order, thereby impacting Petitioner's ability to file exceptions to the Recommended Order should Petitioner desire to do so.

Consequently, we remand the matter to the Division of Administrative Hearings for the re-issuance of the Recommended Order, using the correct address for Petitioner's counsel, starting anew Petitioner's time for filing exceptions. Accord, Van Sandt-Fuller v. Coastal Cosmetic Center, Inc., FCHR Order No. 06-051 (May 24, 2006), and Francis v. Department of Juvenile Justice, FCHR Order No. 06-094 (November 13, 2006). (We note that in both Van Sandt-Fuller and Francis, supra, which were remanded to the respective Administrative Law Judges for the same reason as this case, the Administrative Law Judges, upon reviewing the computer mail-out system of the Division of Administrative Hearings, subsequently found that the Recommended Orders had been mailed to the correct addresses and that the addresses on the Recommended Orders were typographical errors. The Administrative Law Judges consequently declined the Commission's remand of the cases. See, for Van Sandt-Fuller, "Order Declining Remand" in DOAH Case 05-4057, dated June 5, 2006, and for Francis, "Order Declining Remand" in DOAH Case 05-2958, dated November 20, 2006.)

Exceptions

Neither party filed exceptions to the Administrative Law Judge's Recommended Order.

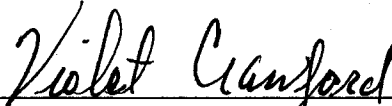
Remand

The Petition for Relief and Complaint of Discrimination are REMANDED to the Division of Administrative Hearings for the re-issuance of the Recommended Order, as indicated above.

DONE AND ORDERED this 6th day of March, 2009.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Anice R. Prosser, Panel Chairperson;
Commissioner Watson Haynes, II; and
Commissioner Mario M. Valle

Filed this 6th day of March, 2009,
in Tallahassee, Florida.



Violet Crawford, Clerk
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Diane Cleavinger, 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 6th day of March, 2009.

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