

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

FILED

JIMMY OATES,

2009 APR 13 A 10: 59

EEOC Case No. 15D200800160

Petitioner,

DIVISION OF
ADMINISTRATIVE
HEARINGS

FCHR Case No. 2008-00422

v.

DOAH Case No. 08-2573

WAL-MART STORES EAST,

FCHR Order No. 09-030

Respondent.

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

Preliminary Matters

Petitioner Jimmy Oates filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (2007), alleging that Respondent Wal-Mart Stores East committed unlawful employment practices by failing to accommodate Petitioner's disability and by terminating Petitioner on the bases of Petitioner's age (DOB: 06/04/40), race (Black), color (Black) and perceived disability.

The allegations set forth in the complaint were investigated, and, on May 15, 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 Gainesville, Florida, on October 15, 2008, before Administrative Law Judge Ella Jane P. Davis.

Judge Davis issued a Recommended Order of dismissal, dated February 2, 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

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

Dismissal

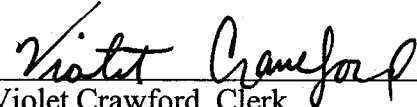
The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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 9th day of April, 2009.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Onelia A. Fajardo, Panel Chairperson;
Commissioner Watson Haynes, II; and
Commissioner Anice R. Prosser

Filed this 9th day of April, 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:

Jimmy Oates
2115 Northeast 7th Avenue
Gainesville, FL 32641

Wal-Mart Stores East
c/o Lindsay C. O'Brien, Esq.
c/o Michelle Tatum, Esq.
Ford & Harrison, LLP
225 Water Street, Suite 710
Jacksonville, FL 32202

Ella Jane P. Davis, 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 9th day of April, 2009.

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