

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

JOANN MARCHELLE BROOKS,

FILED

EEOC Case No. NONE

Petitioner,

2010 JAN 14 A 10:35

FCHR Case No. 2008-02369

v.

DIVISION OF
ADMINISTRATIVE
HEARINGS

DOAH Case No. 09-0464

CSX TRANSPORTATION,

FCHR Order No. 10-006

Respondent.

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

Preliminary Matters

Petitioner JoAnn Marchelle Brooks 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 CSX Transportation committed an unlawful employment practice on the bases of Petitioner's race (Black) and age (DOB: 12-5-57) by denying Petitioner a promotion for which she had applied.

The allegations set forth in the complaint were investigated, and, on December 19, 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 by video teleconference at sites in Jacksonville and Tallahassee, Florida, on August 20, 2009, before Administrative Law Judge Suzanne F. Hood.

Judge Hood issued a Recommended Order of dismissal, dated November 13, 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 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 13th day of January, 2010.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Donna Elam, Panel Chairperson;
Commissioner Watson Haynes, II; and
Commissioner Mario M. Valle

Filed this 13th day of January, 2010,
in Tallahassee, Florida.


Violet Crawford, Clerk
Commission on Human Relations
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Copies furnished to:

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Jacksonville, FL 32202

Suzanne F. Hood, 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 13th day of January, 2010.

By: 
Clerk of the Commission
Florida Commission on Human Relations