

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

CINDY BURGHOLZER,

Petitioner,

v.

COSTCO WHOLESALE CORP.,

Respondent.

EEOC Case No. NONE
EEOC Case No. 15D200900154

FCHR Case No. 2008-02776
FCHR Case No. 2009-00361

DOAH Case No. 09-0999
DOAH Case No. 09-2441

FCHR Order No. 10-014

2010 FEB 17 10:37
DIVISION OF ADMINISTRATIVE HEARINGS
FILED

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

Preliminary Matters

Petitioner Cindy Burgholzer 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, Costco Wholesale Corp., committed unlawful employment practices on the basis of Petitioner's disability and by failing to accommodate Petitioner's disability. (This case is designated as EEOC Case No. None; FCHR Case No. 2008-02776; and DOAH Case No. 09-0999.)

The allegations set forth in the complaint were investigated, and, on January 14, 2009, the Executive Director issued his determination finding that there was no reasonable cause to believe that an unlawful employment practice had occurred.

Petitioner Cindy Burgholzer also 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, Costco Wholesale Corp., committed unlawful employment practices on the basis of Petitioner's disability and on the basis of retaliation. (This case is designated as EEOC Case No. 15D200900154; FCHR Case No. 2009-00361; and DOAH Case No. 09-2441.)

The allegations set forth in the complaint were investigated, and, on March 31, 2009, the Executive Director issued his determination finding that there was no reasonable cause to believe that an unlawful employment practice had occurred.

In both cases, Petitioner filed a Petition for Relief from an Unlawful Employment Practice, and the cases were transmitted to the Division of Administrative Hearings for the conduct of formal proceedings.

The cases were consolidated by Administrative Law Judge Suzanne F. Hood, by an order dated May 21, 2009.

An evidentiary hearing was held in Jacksonville, Florida, on August 26 and 27, 2009, before Judge Hood.

Judge Hood issued a Recommended Order of dismissal, dated November 24, 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 Petitions for Relief and Complaints 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 16th day of February, 2010.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Billy Whitefox Stall, Panel Chairperson;
Commissioner Lizzette Gamero; and
Commissioner Patty Ball Thomas

Filed this 16th day of February, 2010,
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:


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c/o Heather M. Collins, Esq.
c/o Hnin N. Kaing, Esq.
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Costco Wholesale Corp.
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c/o Kathleen E. Mones, Esq.
Seyfarth Shaw, LLP
1545 Peachtree Street, Northeast
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Atlanta, GA 30309-2401

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 16th day of February, 2010.

By: 
Clerk of the Commission
Florida Commission on Human Relations