

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

ROBYN COHEN,

2010 DEC 16 A 11: 52

Petitioner,

DIVISION OF
ADMINISTRATIVE
HEARINGS

FCHR Case No. 2009-02760

v.

DOAH Case No. 10-1665

CARNIVAL CRUISE LINES,

FCHR Order No. 10-090

Respondent.

**FINAL ORDER DISMISSING PETITION FOR
RELIEF FROM AN UNLAWFUL PUBLIC ACCOMMODATIONS PRACTICE**

Preliminary Matters

Petitioner Robyn Cohen filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 509.092 and 760.01 - 760.11, Florida Statutes (2009), alleging that Respondent Carnival Cruise Lines committed unlawful public accommodations practices on the basis of Petitioner's disability by harassing Petitioner, and by denying Petitioner the ability to be accompanied on a cruise by her service animal.

The allegations set forth in the complaint were investigated, and, on March 5, 2010, the Executive Director issued his determination finding that there was no reasonable cause to believe that an unlawful public accommodations practice had occurred.

Petitioner filed a Petition for Relief (which the Administrative Law Judge later allowed Petitioner to amend) 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 Miami and Tallahassee, Florida, on July 30, 2010, before Administrative Law Judge Robert E. Meale.

Judge Meale issued a Recommended Order of dismissal, dated September 21, 2010.

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 note that in the "Preliminary Statement" section of the Recommended Order the Administrative Law Judge indicated that in an order issued earlier in the case "...the Administrative Law Judge struck all claims for damages or other affirmative relief for medical expenses or medical bills, pursuant to the limited relief authorized in administrative proceedings..."

Given the findings contained in the Recommended Order, this is not a conclusion of law necessary to resolve this matter.

Nevertheless, in our view, compensation for quantifiable "medical expenses or medical bills" incurred as the result of unlawful discrimination is part of the "affirmative relief" that can be awarded by the Commission in an administrative proceeding brought under the Florida Civil Rights Act of 1992. Accord, McIntosh v. Dollar General, FCHR Order No. 10-047 (May 25, 2010).

With this comment, we adopt the Administrative Law Judge's conclusions of law.

Exceptions

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

Dismissal

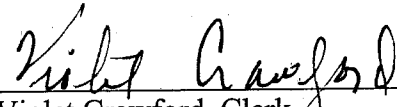
The amended Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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 15th day of December, 2010.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Donna Elam, Panel Chairperson;
Commissioner Watson Haynes, II; and
Commissioner Billy Whitefox Stall

Filed this 15th day of December, 2010,
in Tallahassee, Florida.



Violet Crawford, Clerk
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Robert E. Meale, 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 15th day of December, 2010.

By: 

Clerk of the Commission
Florida Commission on Human Relations