

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

FILED
11 JAN 14 AM 11:38
DIVISION OF ADMINISTRATIVE HEARINGS

DEVON A. ROZIER,

EEOC Case No. 15D201000082

Petitioner,

FCHR Case No. 2010-00229

v.

DOAH Case No. 10-2328

SOUTHGATE CAMPUS CENTRE,

FCHR Order No. 11-007

Respondent.

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

Preliminary Matters

Petitioner Devon A. Rozier filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (2009), alleging that Respondent Southgate Campus Centre committed unlawful employment practices against Petitioner on the basis of Petitioner's sex (male) by treating female employees more favorably, and on the bases of sex and retaliation by suspending and terminating Petitioner.

The allegations set forth in the complaint were investigated, and, on March 22, 2010, 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 Tallahassee, Florida, on August 10, 2010, before Administrative Law Judge Robert S. Cohen.

Judge Cohen issued a Recommended Order of dismissal, dated November 10, 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 adopt the Administrative Law Judge's conclusions of law.

Exceptions

Petitioner filed exceptions to the Administrative Law Judge's Recommended Order in a document received by the Commission on November 29, 2010.

Petitioner's exceptions document specifically excepts to Recommended Order findings of fact paragraph numbers 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 20, and 21. In each instance, the exceptions to the indicated Recommended Order paragraphs take issue with facts found and / or inferences drawn by the Administrative Law Judge from the evidence presented. In addition, the exceptions document contains argument as to Petitioner's view of the facts.

The Commission has stated, "It is well settled that it is the Administrative Law Judge's function 'to consider all of the evidence presented and reach ultimate conclusions of fact based on competent substantial evidence by resolving conflicts, judging the credibility of witnesses and drawing permissible inferences therefrom. If the evidence presented supports two inconsistent findings, it is the Administrative Law Judge's role to decide between them.' Beckton v. Department of Children and Family Services, 21 F.A.L.R. 1735, at 1736 (FCHR 1998), citing Maggio v. Martin Marietta Aerospace, 9 F.A.L.R. 2168, at 2171 (FCHR 1986)." Barr v. Columbia Ocala Regional Medical Center, 22 F.A.L.R. 1729, at 1730 (FCHR 1999). Accord, Bowles v. Jackson County Hospital Corporation, FCHR Order No. 05-135 (December 6, 2005).

Further, it has been stated, "The ultimate question of the existence of discrimination is a question of fact." Florida Department of Community Affairs v. Bryant, 586 So. 2d 1205, at 1209 (Fla. 1st DCA 1991). Accord, Coley v. Bay County Board of County Commissioners, FCHR Order No. 10-027 (March 17, 2010).

Noting that we have above found the facts as found by the Administrative Law Judge to be supported by competent substantial evidence, Petitioner's exceptions are rejected.

Dismissal

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

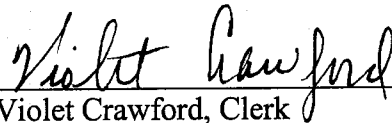
The parties have the right to seek judicial review of this Order. The Commission and the appropriate District Court of Appeal must receive notice of appeal within 30 days of the date this Order is filed with the Clerk of the Commission. Explanation of the right

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, 2011.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Mario M. Valle, Panel Chairperson;
Commissioner Joanna Cunningham; and
Commissioner Lizzette Romano

Filed this 13th day of January, 2011,
in Tallahassee, Florida.



Violet Crawford, Clerk
Commission on Human Relations
2009 Apalachee Parkway, Suite 100
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:

Devon A. Rozier
7361 Fieldcrest Drive
Tallahassee, FL 32305

Southgate Campus Centre
c/o Desiree C. Hill-Henderson, Esq.
Littler Mendelson, P.C.
111 North Magnolia Avenue, Suite 1250
Orlando, FL 32801

Robert S. Cohen, 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, 2011.

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

DEVON A. ROZIER/pro se

Plaintiff

7361 Fieldcrest Dr

Case No: 10-2328

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FLORIDA COMMISSION ON
JUDICIAL RELATIONS
10 NOV 29 AM 9:25

Exceptions To

5-6-7-8-9-10-11-12-13-14

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EXCEPTIONS / Disagree

⑤ Disagree: I the petitioner was being placed in these females place to work whom did not show up, call, or when came to work, these females Crystal Young, Phyllis Brown, Shantertia Hatcher wanted to leave early I was told to do there jobs, then I had to do there jobs to and my own work. I also disagree to because as I have already stated I would be home on my off days Mr mill would always call on me. so I therefore disagree with this statement. I also disagree because as early as Jan or Feb 05 - ^{as of} Feb 09 when I talked to Rashiek Campbell about having to do these females work when I complained all he said was just do it I should be fine.

⑥ Disagree: I Dwain A. Rozier disagree with that statement / It is untrue I have always exhibited good performance at my work place. Throughout my employment I have performed well / even promoted ~~made~~ to do other females work. I have always perform

my work duties / as well as others work, I have demonstrated excellent performances. I also disagree with F Decon was disrespecting management. F Decon A. Buzler from Sept 04 has exhibited respectful behavior towards Mr Mill, Jason McClung, Rashick Campbell, my other 60-workers / all the students I have served at Southgate as well. So I disagree.

(17) Disagree: I disagree because because Mr Mill, Jason McClung / nor Rashick Campbell never had a one one meeting to talk to me about any feedback, any job performances, or any improvement of work, were never discuss with me, also meetings that were held with Mr Mill, Jason McClung, and Rashick Campbell were always with me & all other Southgate employees at one time. I was never alone with supervisors. So I disagree.

⑧ Disagree; I disagree I believe An Rozier did not have a altercation with any supervisor on April 30, 2009, and nor did I leave the facility. I Disagree because April 30, 2009 was last Day of employment For all 34 employees. for Summer Break until students return back in Aug 09, I also Disagree to because on April 30 last day of work Mr mills put me on Suspension for a month from April 30 last day of work to may 30. I was only told of that on April 30. Rustiek Campbell ordered the suspension But Mr mills didn't give me a reason or a cause.

⑨ Disagree; I disagree because all 34 employees were gonna be off Drawing an employment from April 30 2009 — Aug 30 2009, Including me. I Disagree that I abandoned my job if it the last Day of work for all 34 employees. I Disagree with may 04 2009. last Day of work April 30 2009 If Kitchen is closed down for all ~~34~~ employees. Building is abandoned. may 04 2009 no employees or supervisors

are there for kitchen staff. I disagree with the may 04 09 date saying I resigned. I was on summer break on suspension from April 30, - May 30 2009 for a unknown reason. While all other 32 employees drawing unemployment till they return to work Aug 2009 back to reopen kitchen. also I disagree I was unaware of a resignation / separation / abandonment or any thing until I recieved a letter July 18, 2009 in the mail from the corporate office from out of town. so I disagree

⑩ Disagree! I don't A Rozier disagree and why I disagree is because when my month was up May 30, 2009 I returned to be put back on schedule when we all go back to work in Aug 2009. I disagree to regain my job Mr Mill hired me until I retire in 2004. I disagree you can't reclaim nothing that is yours already. I disagree with regain my job that was my job. I disagree with by passing my supervisors. I only went to Mr Mill because Rashick Campbell for his own personal ^{reasoning}, not related work reasons wouldn't put me back on schedule, when I ask to be put back on schedule, his reasoning were un Ethical

To me, He can't put me back on schedule until I get a
High school Diploma, He already hire a gentlemen in my
Spot if gentleman don't work out call him back he'll
put him on schedule / I disagree that was my job of
five years.

(11) Disagree: I never didn't present my case to Mr
Mills in July. Me and my mother presented my
unlawful, no reason or cause suspension case to
Mrs Rena Yant, Jason McLung, Rashick Campbell
Rena Yant / Jennifer Rozier my mother, and me
had a meeting without Mr Mills or any other
Supervisor. I disagree with Mr Mills part two
on meeting in July on some day only people
present was me my mother Jennifer Rozier, Rashick
Campbell, Jason McLung to discuss the unlawful
suspension on last day of work. Me & my mother Jennifer
Rozier was basically trying to see when I was going to
be put back on schedule after my suspension.

1996

Mr Mill didn't intervene on my behalf, I went to him because Rashick Campbell didn't have a good valid reason or cause to take my job away from me. At know point in time Mr Mill had a meeting with me & my mother Jennifer Rozier, I disagree.

(12) Disagree: At no point + time July 09 - or Aug 09 did Mr Mills have a meeting with me Devon A. Rozier or My mother Jennifer Rozier, that meeting never happened

(13) Disagree: I disagree the meeting in Mr Mill old office that took place was with me Devon A. Rozier, my mother Jennifer Rozier, Jason McClung and Rashick Campbell. Mr Campbell said he couldn't put me back on schedule until I get a High School Diploma, his reason was he hired another gentlemen in my place. after 30 minutes of meeting he walked out saying he done with it he don't want talk no more. I ain't putting you back on schedule and left, and did not return to meeting to resolve the issues.

However When Rashick Campbell left meeting me my mother Jennifer Rozier and Jason McClung stayed and still talked Jason said he was going talk to Mr. Mill about putting me back on schedule. Jason even said Devon I talk to you Father Dwight Rozier about a position in Housekeeping we'll find somewhere to put you. He also said for me to come back in two week for another meeting with Mr. Mills. So I did Aug 16, 2009 meeting with Mr. Mills. So I disagree with that statement.

(14) Disagree: The reason why I disagree with this statement is that I Devon A. Rozier was early at Jan-Feb 08 - Feb 09. has been subject to discrimination from Jolothgate Supervisor. of them making me do these female's work while they allowed to sit at tables, eat on the clock while at work, they were allowed to use to computers. while on the clock, they would come in late to work, they were no shows, and most of time didn't even call in I had to do their work, while they were there or even if they didn't come. Then I had to do my own work.

⑩ Disagree: I Disagree because other males and Females did not have anything to do with my situation. Especially males, But the Females that were been seen eating on clock, using the computer while on the clock, come late, Don't call, no show, leave early for a non legitimate reason I had to do they work. I Disagree because Jodee yant was a cashier she couldn't leave her cashier area, she had to let students come in couldn't leave her area, computer area is right by cashier 1:50 or tables Jude couldn't leave her area until cashier close, I also Disagree me and my brother Darnell has not always work the same shift, so I Disagree with that statement.

(20) Disagree; I disagree with Southgate policies and procedure,
~~that~~ they still allowed these things to happen to happen to me
retaliation, Discrimination on the basis of my gender,
unlawful suspension, and yes Rashick Campbell Retaliated
on me for complaining of always having to do other female
work. I also disagree with Southgate policies - procedure
they also have allowed Rashick Campbell to perform misconduct
in the work place on me as well as Mrs Violet Harvey
to slap him & being put on two weeks suspension
also Mrs Joyce a 63 year old lady has had to slap Rashick
Campbell and be put on two weeks suspension. also
through out the case abruptly 20 days after hearing yet
Rashick Campbell has yet demonstrated misconduct in the
work place where Mr Mill terminated his employment
Aug 30, 2010. I also disagree Mr Ronnie from Midway
Flu has separated himself from Southgate for 7 times.
Southgate Retired him seven times, Phyliss Braden
terminated 7 to 9 months Retired for misconduct
in work place. I Devon A Rozler was put on suspension
with no return back to work from Southgate Campus Center
so I disagree.

②① Disagree: I Devon A. Rozier was unaware of Southgate policies and procedures when I was hired at age 16 I was hired as well as my brother Darnell Rozier and we was put directly to work no employee hand book or discussion put to work and trained of our position.

Exception / Disagree

I Devon A Rozier Disagree with Southgate Campus Center Statements of Behavior problems, Techniques Performances, Declines, I Disagree because none of these thing Happened to my Knowledge. I can't relate or respond to something that did not happen. I cannot relate to a made up story. The reason why I Disagree is because I can only relate to what I know happened, such as The Unlawful Suspension, nor reason or cause on April 30, 2009 that happened. Retaliation that happened, Discrimination from Southgate Campus Center that happened, I was more 3 year old child to present age 22 a child with a language impediment with a Disability, and yes Southgate Campus Center violated my rights, that happened. I was wrongfully terminated by Rashick Campbell Aug 16, 2009. That happened.

I was Threatened By Rashid Campbell, and Jason McClung
my Supervisors Aug 16, 2007. That Happened. These Two
Gentlemen also Threaten my life + livelihood Aug 16, 2009
that happened. These Two gentleman had a police officer
present to arrest me and put me in Jail Aug 17, 2009
that happened. I Disagree because this is unethical not
by employee Hand Book Rules, not legitimate, nor does
this conduct in workplace fit in South gate policies
or procedure. So therefore I Deyon A. Rozier Disagree.

Exceptions / Disagree

Disagree: I Devon A. Rozier Disagree with Southgate campus center of a behavioral problem & knew nothing about;

I Disagree with Statement because Southgate is Denying the truth / They are avoiding the truth, and

the real reasoning I was at court. I Disagree it was not Behavior. I disagree because I was here to present my case of Feb 09 Complaint to Rashiek

Campbell of Discrimination for me having to do these Female jobs. For April 30 2009, unlawful Suspension,

Retaliation, violation of my civil rights, Job being Denied from Rashiek Campbell, wrongfully being terminated

unlawfully, being terminated by Rashiek Campbell. by

way of threat on my wife & liveley hood Aug 16, 2009.
I was presenting my case for Relief Back pay etc.....

Aug 17, 2009 Tall police officer present at my job to
arrest me for no reason or cause at Rashick Campbell
request 9:00 am in the morning. Rashick Campbell acted
on his threats, To present the July 14, 2009 letter I
received from Cooperate office of a separation I
had no knowledge about. I disagree because I knew
none of this until Southgate made their claim
so I disagree with Southgate campus statements.

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Exception/Disagree

Disagree: I Devon A. Rozier, I Disagree with Southgate campus center April 30, ^{date} 2009/suspension.

I disagree because it was last day of summer Break for all Southgate 34 employees, out of all of South gate campus center employees me +

Jodee yant got Harm. I Devon A Rozier put on suspension for a month April 30, 2009 -

May 30 2009. Jodee yant was laid off + terminated the same time. we both on July 14,

2009 received a termination notice from Southgate cooperate office out of town no

reason was given to either of us. All other employees gone home for Break to Draw

unemployment so I Disagree with April 30, 2009 +

May 04 2009. separation from me didn't
Happen.

Certificate of Service

I Deyon A. Rozier,

Hereby confirms that a copy of this
Certificate of Service has been served

To the Honorable Judge Robert Cohen

By way of Hand delivery, To Respondent

Desiree C. Hill Henderson, Esquire by Facsimile;

also MS Denise Crawford # Florida Commission
on Human Relations by way of Hand Delivery

THIS DAY NOV 29 2010.

Deyon A. Rozier
Deyon A. Rozier
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Tall, Fla 32305
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