

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

JESSICA MILES, 2011 MAR -3 A 11:24
Petitioner, DIVISION OF ADMINISTRATIVE HEARINGS
v.
MACFARLANE, FERGUSON AND
MCMULLEN, P.A., FCHR Case No. 2010-01126
Respondent. FCHR Order No. 11-018
DOAH Case No. 10-8308

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

Preliminary Matters

Petitioner Jessica Miles 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 MacFarlane, Ferguson and McMullen, P.A., committed an unlawful employment practice on the basis of Petitioner's sex (female / pregnancy) by terminating Petitioner from employment.

The allegations set forth in the complaint were investigated, and, on July 27, 2010, the Executive Director issued his "Determination: No Jurisdiction," finding that Petitioner had signed a "general release, which divests the Commission of jurisdiction to pursue this claim."

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.

Administrative Law Judge Elizabeth W. McArthur considered the matter without an evidentiary hearing.

Judge McArthur issued a Recommended Order of Dismissal, dated December 9, 2010.

The Commission panel designated below considered the record of this matter and determined the action to be taken on the Recommended Order of Dismissal.

Findings of Fact

The Administrative Law Judge set out "undisputed facts," in the Recommended Order of Dismissal.

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 of Dismissal.

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 2nd day of March, 2011.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Gilbert M. Singer, Panel Chairperson;
Commissioner Watson Haynes, II; and
Commissioner Darcell Streeter

Filed this 2nd day of March, 2011,
in Tallahassee, Florida.



Violet Crawford, Clerk
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Elizabeth W. McArthur, 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 2nd day of March, 2011.

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