

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

KAREN CAWLEY,

EEOC Case No. NONE

Petitioner,

FCHR Case No. 2011-00476

v.

DOAH Case No. 11-3947

PRIMROSE CENTER, INC.,

FCHR Order No. 12-009

Respondent.

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

This matter is before the Commission for consideration of the Recommended Order of Dismissal, dated December 12, 2011, issued in the above-styled matter by Administrative Law Judge Susan Belyeu Kirkland.

Findings of Fact and Conclusions of Law

Judge Kirkland's order reflects that Petitioner failed to comply with an order of the Administrative Law Judge. Specifically, upon Petitioner's failure to comply with an "Order Granting Motion to Compel" [discovery], an "Order Requiring Petitioner to Show Cause and Granting Continuance" was issued on November 4, 2011, requiring Petitioner to show cause why a recommended order of dismissal should not be entered because of Petitioner's failure to comply with the "Order Granting Motion to Compel." Petitioner failed to respond to this order to show cause.

We note that, generally, Commission panels have concluded that a Petitioner's failure to respond to orders of an Administrative Law Judge amounts to a voluntary dismissal of the Petition for Relief. See, generally, Roundtree, et al. v. Advenir at Stonelake, LLC, FCHR Order No. 11-069 (August 30, 2011), Biggers v. Rooms To Go, FCHR Order No. 09-045 (May 12, 2009), Shook v. Riverside National Bank, FCHR Order No. 08-029 (May 6, 2008), Clifton v. Krys, et al., FCHR Order No. 07-062 (November 7, 2007), Bordonaro v. The Green at the Heather Condominium Association, Inc., FCHR Order No. 07-010 (February 14, 2007), Butler v. The Pepsi Bottling Group, FCHR Order No. 06-107 (December 4, 2006), Castellanos v. Express Net Airlines Pilots Association, FCHR Order No. 05-061 (June 15, 2005), Mayfield v. Karl's Haberdashery of Florida, Inc., FCHR Order No. 04-020 (March 10, 2004), and Kenny v. Florida Department of Corrections, FCHR Order No. 02-020 (June 3, 2002).

Based on the foregoing, we conclude that the Petition for Relief should be dismissed.

Exceptions

Neither of the parties filed exceptions to the Administrative Law Judge's Recommended Order of Dismissal.

Dismissal

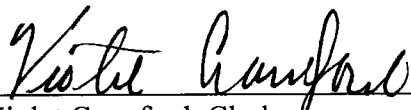
The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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 21st day of February, 2012.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Gilbert M. Singer, Panel Chairperson;
Commissioner Onelia Fajardo; and
Commissioner Michell Long

Filed this 21st day of February, 2012,
in Tallahassee, Florida.



Violet Crawford, Clerk
Commission on Human Relations
2009 Apalachee Parkway, Suite 100
Tallahassee, FL 32301
(850) 488-7082

Copies furnished to:


Karen Cawley
2931 South Ferncreek Avenue, Apartment B
Orlando, FL 32806

Primrose Center, Inc.
c/o Ashley Richardson Moore, Esq.
McConnaughay, Duffy, Coonrod,
Pope and Weaver, P.A.
Post Office Drawer 229
Tallahassee, FL 32302-0229

Susan Belyeu Kirkland, 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 21st day of February, 2012.

By: 
Clerk of the Commission
Florida Commission on Human Relations