

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

MARIA HERNANDEZ, PH.D.,

EEOC Case No. NONE

Petitioner,

FCHR Case No. 2011-01575

v.

DOAH Case No. 11-6179

PALM BEACH ATLANTIC UNIVERSITY,

FCHR Order No. 13-029

Respondent.

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

Preliminary Matters

Petitioner Maria Hernandez, Ph.D., filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (2010), alleging that Respondent Palm Beach Atlantic University committed an unlawful employment practice on the basis of Petitioner's marital status (identified in the complaint as divorced but living with former husband) by terminating Petitioner from employment.

The allegations set forth in the complaint were investigated, and, on October 27, 2011, the Executive Director issued a 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 West Palm Beach, Florida, on October 16 and 17, 2012, before Administrative Law Judge Errol H. Powell.

Judge Powell issued a Recommended Order of dismissal, dated February 4, 2013.

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 note that the Recommended Order appears to contain conflicting findings as to when Petitioner and her ex-husband began living together. See Recommended Order, ¶ 79, ¶ 39, and ¶ 47 through 49. Nevertheless, we do not find this to be dispositive of the case.

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 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 1st day of May, 2013.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Gilbert M. Singer, Panel Chairperson;
Commissioner Onelia Fajardo-Garcia; and
Commissioner James Johns

Filed this 1st day of May, 2013,
in Tallahassee, Florida.

_____/s/_____
Violet Crawford, Clerk
Commission on Human Relations
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Errol H. Powell, 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 1st day of May, 2013.

By: _____/s/_____
Clerk of the Commission
Florida Commission on Human Relations