

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

DIANNA L. POLLAND,

EEOC Case No. NONE

Petitioner,

FCHR Case No. 2011-02486

v.

DOAH Case No. 12-1145

DEPARTMENT OF CHILDREN
AND FAMILIES,

FCHR Order No. 12-046

Respondent.

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

Preliminary Matters

Petitioner Dianna L. Polland 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 Department of Children and Families committed an unlawful employment practice by terminating Petitioner in retaliation for filing a whistle-blower complaint.

The allegations set forth in the complaint were investigated, and, on March 13, 2012, 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.

Prior to conducting a formal hearing, Administrative Law Judge E. Gary Early issued a Recommended Order of Dismissal, dated June 29, 2012, concluding, "Petitioner's allegations, taken in the light most favorable to Petitioner, do not support a claim of discrimination or retaliation under section 760.10."

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

We find the Administrative Law Judge's findings of fact contained in the Recommended Order of Dismissal 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 contained in the Recommended Order of Dismissal 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 17th day of September, 2012.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Gilbert M. Singer, Panel Chairperson;
Commissioner Onelia Fajardo; and
Commissioner Michael Keller

Filed this 17th day of September, 2012,
in Tallahassee, Florida.

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

Copies furnished to:

Dianna L. Polland
1415 Whitmire Circle
Hendersonville, NC 28791

Department of Children and Families
c/o David Gregory Tucker, Esq.
NE Regional Counsel
5920 Arlington Expressway
Jacksonville, FL 32231-0083

E. Gary Early, 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 17th day of September, 2012.

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