

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

DORETHA PEARSON,

EEOC Case No. NONE

Petitioner,

FCHR Case No. 2012-00419

v.

DOAH Case No. 12-1702

MRMC-MUNROE REGIONAL
HEALTH SYSTEMS, INC.,

FCHR Order No. 13-015

Respondent.

**ORDER REMANDING CASE TO ADMINISTRATIVE LAW JUDGE
FOR RE-ISSUANCE OF RECOMMENDED ORDER**

This matter is before the Commission for consideration of the Recommended Order, dated December 11, 2012, issued in the above-styled matter by Administrative Law Judge Barbara J. Staros.

Findings of Fact and Conclusions of Law

The Recommended Order reflects that it was sent to Petitioner at 3001 Southeast Lakewood Avenue, Number 904, Ocala, FL 34471. This is the address provided in the Motion to Withdraw as Counsel filed on August 10, 2012, by the attorney who was then Petitioner's counsel in this matter. Nevertheless, the record reflects that Petitioner's likely address is 3001 Southeast Lake Weir Avenue, Number 904, Ocala, FL 34471 (See Respondent's Exhibit 7). We are concerned that Petitioner may not have received a copy of the Recommended Order, thereby impacting Petitioner's ability to file exceptions to the Recommended Order should Petitioner desire to do so.

Consequently, we remand the matter to the Administrative Law Judge for the re-issuance of the Recommended Order, using the "Southeast Lake Weir Avenue" address for Petitioner set out above, starting anew Petitioner's time for filing exceptions. Accord, Bivins v. West Florida Hospital, FCHR Order No. 12-063 (November 16, 2012), Jackson v. Dollar General Corporation, FCHR Order No. 09-022 (March 6, 2009), Van Sandt-Fuller v. Coastal Cosmetic Center, Inc., FCHR Order No. 06-051 (May 24, 2006), and Francis v. Department of Juvenile Justice, FCHR Order No. 06-094 (November 13, 2006). (We note that in both Van Sandt-Fuller and Francis, supra, which were remanded to the respective Administrative Law Judges for the same reason as this case, the Administrative Law Judges, upon reviewing the computer mail-out system of the Division of Administrative Hearings, subsequently found that the Recommended Orders had been mailed to the correct addresses and that the addresses on the Recommended Orders were typographical errors. The Administrative Law Judges consequently declined the Commission's

remand of the cases. See, for Van Sandt-Fuller, “Order Declining Remand” in DOAH Case 05-4057, dated June 5, 2006, and for Francis, “Order Declining Remand” in DOAH Case 05-2958, dated November 20, 2006.)

Exceptions

Neither party filed exceptions to the Administrative Law Judge’s Recommended Order.

Remand

The Petition for Relief and Complaint of Discrimination are REMANDED to the Administrative Law Judge for the re-issuance of the Recommended Order, as indicated above.

DONE AND ORDERED this 26th day of February, 2013.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Gilbert M. Singer, Panel Chairperson;
Commissioner Lizzette Romano; and
Commissioner Mario M. Valle

Filed this 26th day of February, 2013,
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:

Doretha Pearson
3001 Southeast Lake Weir Avenue
Number 904
Ocala, FL 34471

MRMC-Munroe Regional Health Systems, Inc.
c/o Kenneth A. Knox, Esq.
Fisher and Phillips, LLP
450 East Las Olas Boulevard, Ste. 800
Fort Lauderdale, FL 33301

Barbara J. Staros, 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 26th day of February, 2013.

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