

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

VERONICA TOLBERT,

EEOC Case No. 15D201300051

Petitioner,

FCHR Case No. 2013-00038

v.

DOAH Case No. 13-0786

DEPARTMENT OF ECONOMIC  
OPPORTUNITY,

FCHR Order No. 13-047

Respondent.

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

This matter is before the Commission for consideration of the Order Closing File and Relinquishing Jurisdiction, dated April 16, 2013, issued in the above-styled matter by Administrative Law Judge Suzanne Van Wyk.

Findings of Fact and Conclusions of Law

Judge Van Wyk's order reflects that the matter was before her on Respondent's Motion to Relinquish Jurisdiction. Judge Van Wyk's order indicates that Respondent contends that the case should be dismissed because Petitioner executed a general release that released the claim set forth in the Petition for Relief. Judge Van Wyk's order recommends that the Commission enter an order dismissing the Complaint, noting that, "Petitioner's release is clear, unequivocal, and was made when represented by counsel."

We note that Commission Panels have concluded that cases should be dismissed when Petitioners have executed general releases similar to that executed in the instant case. See, e.g., Miles v. MacFarlane, Ferguson and McMullen, P.A., FCHR Order No. 11-018 (March 2, 2011) and Bovea v. Mercantile Commercebank, FCHR order No. 09-089 (September 22, 2009).

We adopt the Administrative Law Judge's findings as to the execution and content of the release agreement and conclude that the Complaint of Discrimination and Petition for Relief be dismissed with prejudice.

Exceptions

Neither of the parties filed exceptions to the Administrative Law Judge's Order Closing File and Relinquishing Jurisdiction.

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 of appeal is found in Section 120.68, Florida Statutes, and in the Florida Rules of Appellate Procedure 9.110.

DONE AND ORDERED this 19<sup>th</sup> day of June, 2013.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

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

Filed this 19<sup>th</sup> day of June, 2013,  
in Tallahassee, Florida.

/s/

\_\_\_\_\_  
Violet Crawford, Clerk  
Commission on Human Relations  
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Suzanne Van Wyk, 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 19<sup>th</sup> day of June, 2013.

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