

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

PEARL THOMPSON VOCE,

EEOC Case No. NONE

Petitioner,

FCHR Case No. 2013-00122

v.

DOAH Case No. 13-1990

HOLY CROSS HOSPITAL,

FCHR Order No. 15-060

Respondent.

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

Preliminary Matters

Petitioner Pearl Thompson Voce filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (2011), alleging that Respondent Holy Cross Hospital committed an unlawful employment practice on the basis of Petitioner's age (DOB: 9-1-41) by terminating Petitioner from employment.

The allegations set forth in the complaint were investigated, and, on April 19, 2013, 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 by video teleconference at sites in Lauderdale Lakes and Tallahassee, Florida, on December 16, 2014, and in Plantation, Florida, on March 19, 2015, before Administrative Law Judge Darren A. Schwartz.

Judge Schwartz issued a Recommended Order of dismissal, dated June 29, 2015.

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 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 17 day of Sept., 2015.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Michael Keller, Panel Chairperson;
Commissioner J. Jeff Graber; and
Commissioner Rebecca Steele

Filed this 17 day of Sept., 2015,
in Tallahassee, Florida.

Jimmy Barton
Clerk
Commission on Human Relations
4075 Esplanade Way, Room 110
Tallahassee, FL 32399
(850) 488-7082

Copies furnished to:

Pearl Thompson Voce
c/o Charles M. Eiss, Esq.
Law Offices of Charles Eiss, P.L.
7951 S.W. 6th Street, Ste. 308
Plantation, FL 33324

Holy Cross Hospital
c/o Jennifer T. Williams, Esq.
Akerman, LLP
1 Southeast Third Avenue, 25th Floor
Miami, FL 33131

Darren A. Schwartz, 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 17 day of Sept., 2015.

By: Jimmy Barton
Clerk of the Commission
Florida Commission on Human Relations