

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

BELINDA TRAYLER,

EEOC Case No. 15D201300349

Petitioner,

FCHR Case No. 2013-00878

v.

DOAH Case No. 13-4131

WALT DISNEY PARKS AND RESORTS
U.S., INC., A FLORIDA
CORPORATION,

FCHR Order No. 14-003

Respondent.

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

This matter is before the Commission for consideration of the Recommended Order of Dismissal, dated November 26, 2013, issued in the above-styled matter by Administrative Law Judge Lynne A. Quimby-Pennock.

Findings of Fact and Conclusions of Law

Judge Quimby-Pennock's order reflects that Petitioner failed to comply with an order of the Administrative Law Judge. Following Respondent's filing of a motion to dismiss in which Respondent argued that the Petition for Relief contained insufficient information, Judge Quimby-Pennock, on November 5, 2013, issued an Order to Show Cause directing Petitioner to provide such information that complied with the requirements for the contents of a Petition for Relief set out in Fla. Admin. Code R. 28-106.201. On November 12, 2013, Petitioner filed a response to the Order to Show Cause which Judge Quimby-Pennock found failed to address the matters raised in the Order to Show Cause.

We note that, generally, Commission panels have concluded that a Petitioner's failure to respond to orders of an Administrative Law Judge amounts to a voluntary dismissal of the Petition for Relief. See, generally, Herard v. MasTec, Inc., FCHR Order No. 13-034 (May 1, 2013), Cawley v. Primrose Center, Inc., FCHR Order No. 12-009 (February 21, 2012), Roundtree, et al. v. Advenir at Stonelake, LLC, FCHR Order No. 11-069 (August 30, 2011), Biggers v. Rooms To Go, FCHR Order No. 09-045 (May 12, 2009), Shook v. Riverside National Bank, FCHR Order No. 08-029 (May 6, 2008), Clifton v. Krys, et al., FCHR Order No. 07-062 (November 7, 2007), Bordonaro v. The Green at the Heather Condominium Association, Inc., FCHR Order No. 07-010 (February 14, 2007), Butler v. The Pepsi Bottling Group, FCHR Order No. 06-107 (December 4, 2006), Castellanos v. Express Net Airlines Pilots Association, FCHR Order No. 05-061 (June 15, 2005), Mayfield v. Karl's Haberdashery of Florida, Inc., FCHR

Order No. 04-020 (March 10, 2004), and Kenny v. Florida Department of Corrections, FCHR Order No. 02-020 (June 3, 2002).

We further note that this has been the case not only in situations where a Petitioner has simply failed to respond to an order of the Administrative Law Judge, but also in situations where the document filed by a Petitioner in response to an order is not responsive to the issues raised in the order. See e.g., Roundtree, et al., supra, and the Recommended Order of Dismissal entered therein in DOAH Case No. 11-1087, dated June 22, 2011. See also, Potter, et al. v. Pointe Vista II, LTD, et al., FCHR Order No. 13-063 (October 16, 2013).

Based on the foregoing, we conclude that the Petition for Relief should be dismissed.

Exceptions

Petitioner was granted an extension until close-of-business on January 10, 2014, to file exceptions to the Recommended Order of Dismissal but 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 19th day of February, 2014.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Mario M. Valle, Panel Chairperson;
Commissioner Onelia Fajardo-Garcia; and
Commissioner Gilbert M. Singer

Filed this 19th day of February, 2014,
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:

Belinda Trayler
1064 South Hoagland Boulevard
Kissimmee, FL 34741

Walt Disney Parks and Resorts U.S., Inc.
a Florida Corporation
c/o Glennys Ortega Rubin, Esq.
Shutts and Bowen LLP
300 South Orange Avenue, Suite 1000
Orlando, FL 32801

Lynne A. Quimby-Pennock, 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 19th day of February, 2014.

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