

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

RONNIE WILLIAMS,

EEOC Case No. 15D201400020

Petitioner,

FCHR Case No. 2013-01817

v.

DOAH Case No. 14-2093

MADISON COUNTY SCHOOL DISTRICT,

FCHR Order No. 15-005

Respondent.

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

Preliminary Matters

Petitioner Ronnie Williams filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (2013), alleging that Respondent Madison County School District committed unlawful employment practices on the basis of Petitioner's sex (male), and on the basis of retaliation for filing an earlier discrimination complaint, when it failed to interview Petitioner for a position for which he had applied and when it provided false and defaming references regarding Petitioner to a prospective employer.

The allegations set forth in the complaint were investigated, and, on April 8, 2014, 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 in Tallahassee, Florida, on August 25, 2014, before Administrative Law Judge Diane Cleavinger.

Judge Cleavinger issued a Recommended Order of dismissal, dated November 18, 2014.

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.

In analyzing whether a prima facie case of retaliation-based discrimination had been established, the Administrative Law Judge concluded "...there was no evidence to establish that Petitioner suffered an adverse employment action based on his not being selected to interview for the Dean of Students / Lead Teacher ESE position..." Recommended Order, ¶ 34. We note that the Commission has adopted conclusions of law indicating that "failure to interview" is an adverse employment action. See Council v. City of Tallahassee, FCHR Order No. 12-058 (October 30, 2012), adopting conclusions of law set out in the Recommended Order for DOAH Case No. 12-1124, at ¶ 67, dated August 29, 2012. We further note that even if the Administrative Law Judge did conclude that the "failure to interview" in the instant case was an adverse employment action, it would not have changed the conclusion that a prima facie case of retaliation-based discrimination was not established, given the Administrative Law Judge's conclusion that there was no showing that the "failure to interview" was caused by Petitioner's earlier 2012 complaint filed with the Commission. Recommended Order, ¶ 34.

With these comments, 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

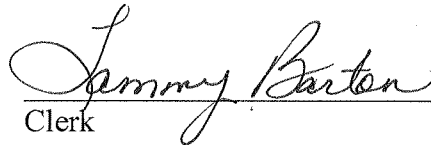
The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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 12 day of February, 2015.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Michael Keller, Panel Chairperson;
Commissioner Derick Daniel; and
Commissioner Donna Elam

Filed this 12 day of February, 2015,
in Tallahassee, Florida.



Clerk

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

Copies furnished to:

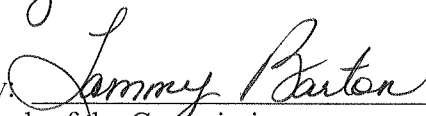
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Diane Cleavinger, Administrative Law Judge, DOAH

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 12 day of February, 2015.

By: 
Clerk of the Commission
Florida Commission on Human Relations