

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

EYVIND BONNER,

EEOC Case No. 15D201300637

Petitioner,

FCHR Case No. 2013-01921

v.

DOAH Case No. 14-2529

INTERNATIONAL PAPER COMPANY,

FCHR Order No. 15-071

Respondent.

**ORDER REMANDING CASE TO ADMINISTRATIVE LAW JUDGE
FOR FURTHER PROCEEDINGS ON PETITION FOR RELIEF**

This matter is before the Commission for consideration of the Order Closing File, dated October 13, 2014, issued in the above-styled case by Administrative Law Judge June C. McKinney.

Findings of Fact and Conclusions of Law

Judge McKinney's order dismisses the case and closes the file of the Division of Administrative Hearings based on Petitioner's failure to demonstrate that the Petition for Relief was timely-filed.

Judge McKinney had earlier issued an order directing that Petitioner: "... no later than Friday, October 10, 2014, at 5:00 p.m. shall show cause in writing why this matter should not be dismissed and how Petitioner timely filed his Petition for Relief dated September 24, 2013, within the 35-day right to appeal the Notice of Determination: No Cause, which was issued on May 14, 2013." Petitioner responded to this order, but the ALJ found, "Petitioner's response fails to address the issue regarding whether he timely filed his Petition for Relief dated September 24, 2013. Therefore, Petitioner has failed to show cause why the undersigned has jurisdiction to hear this matter."

Our review of the record finds that the Notice of Determination: No Cause in this case was issued on April 21, 2014. The Petition for Relief was filed on May 27, 2014. The 35th day after the issuance of the Notice of Determination: No Cause was Monday, May 26, 2014, which was a holiday, namely Memorial Day. Therefore, the filing of the Petition for Relief on May 27, 2014, is timely.

While the Administrative Law Judge's order suggests that the Petition for Relief is dated September 24, 2013, our review of the record indicates that September 24, 2013, is the date the initial complaint filed with the Commission was signed by Petitioner. Also, while the Administrative Law Judge's order indicates that the date the Notice of Determination: No Cause was issued is May 14, 2013, our review of the record indicates

that May 14, 2013, is the date the Notice of Determination: No Cause was issued in an earlier case filed by Petitioner with the Commission, FCHR Case No. 2013-00334.

Based on the foregoing, and noting again that the Petition for Relief in this case was timely-filed, we conclude that the matter should be remanded to the Administrative Law Judge for further proceedings on the Petition for Relief.

Exceptions

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

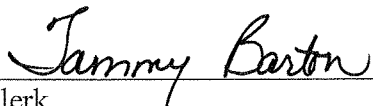
Remand

The matter is REMANDED to the Administrative Law Judge for further proceedings on the Petition for Relief consistent with this Order.

DONE AND ORDERED this 3 day of December, 2015.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Michael Keller, Panel Chairperson;
Commissioner Donna Elam; and
Commissioner Jay Pichard

Filed this 3 day of December, 2015,
in Tallahassee, Florida.



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Commission on Human Relations
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June C. McKinney, 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 3 day of December, 2015.

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