

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

LOU ARMENTROUT,

EEOC Case No. NONE

Petitioner,

FCHR Case No. 2013-01998

v.

DOAH Case No. 14-2617

FLORIDA DEPARTMENT OF  
CORRECTIONS,

FCHR Order No. 15-043

Respondent.

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**INTERLOCUTORY ORDER AWARDING AFFIRMATIVE  
RELIEF FROM AN UNLAWFUL EMPLOYMENT PRACTICE  
AND REMANDING CASE TO ADMINISTRATIVE LAW JUDGE TO  
DETERMINE AWARD OF COSTS TO PETITIONER**

Preliminary Matters

Petitioner Lou Armentrout filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (2012), alleging that Respondent Florida Department of Corrections committed an unlawful employment practice by creating a hostile work environment on the bases of Petitioner's race (Asian), sex (female) and age (DOB: 2-25-70), and on the basis of retaliation, resulting in Petitioner's constructive discharge.

The allegations set forth in the complaint were investigated, and, on May 21, 2014, the Executive Director issued a determination finding that there was 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 Clermont, Florida, on January 16, 2015, before Administrative Law Judge James H. Peterson, III.

Judge Peterson issued a Recommended Order finding that an unlawful employment practice occurred and recommending affirmative relief, dated April 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.

Affirmative Relief and Remand

Through our adoption of the Administrative Law Judge's findings of fact and conclusions of law, as set out above, we find that unlawful discrimination occurred in this matter in the manner found by the Administrative Law Judge and have adopted the Administrative Law Judge's recommendations for the remedy of the discrimination. In addition, we conclude the case should be remanded to the Administrative Law Judge for determination of costs owed Petitioner, as recommended by the Administrative Law Judge. Accord, Galloway v. G-Force / Wackenhut Corp., FCHR Order No. 13-010 (February 6, 2013).

Respondent is hereby ORDERED:

(1) to cease and desist from discriminating further in the manner it has been found to have unlawfully discriminated against Petitioner, as recommended by the Administrative Law Judge;

(2) to pay Petitioner \$19,538.20 in back pay through the date of the final hearing, January 16, 2015, plus \$21.62 per diem thereafter through the date of this order, with interest accruing on the total amount at the applicable statutory rate upon the date of this order, as recommended by the Administrative Law Judge;

(3) to pay Petitioner \$23,663.32, as an additional aspect of back pay, for extra daily travel expenses incurred to get to and from Petitioner's new job through the date of the final hearing, January 16, 2015, plus \$40.94 for each work day that Petitioner has driven to her new job through the date of this order, with interest accruing on the total amount at the applicable statutory rate from the date of this order, as recommended by the Administrative Law Judge;

(4) to make arrangements to reinstate Petitioner to an equivalent position with Corizon Health, Inc., for service at Lake Correctional Institution, as recommended by the Administrative Law Judge; and


(5) to pay Petitioner the amount of costs that has been reasonably incurred in this matter by Petitioner, as recommended by the Administrative Law Judge.

This matter is REMANDED to the Administrative Law Judge for further proceedings to determine the amount of costs owed Petitioner, and the issuance of a Recommended Order as to that amount.

DONE AND ORDERED this 9 day of July, 2015.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Gilbert M. Singer, Panel Chairperson;  
Commissioner Rebecca Steele; and  
Commissioner Billy Whitefox Stall

Filed this 9 day of July, 2015,  
in Tallahassee, Florida.

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

Copies furnished to:

Lou Armentrout  
c/o Jamison Jessup, Qualified Representative  
557 Noremac Avenue  
Deltona, FL 32738

Florida Department of Corrections  
c/o Todd Studley, Esq.  
501 South Calhoun Street  
Tallahassee, FL 32399-2500

James H. Peterson, III, 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 9 day of July, 2015.

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