

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. 15-067

Respondent.

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**FINAL ORDER AWARDING AFFIRMATIVE  
RELIEF FROM AN UNLAWFUL EMPLOYMENT PRACTICE**

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 issued an "Interlocutory Order Awarding Affirmative Relief from an Unlawful Employment Practice and Remanding Case to Administrative Law Judge to Determine Award of Costs to Petitioner," FCHR Order No. 15-043, dated July 9, 2015.

Judge Peterson issued a "Recommended Order After Remand," dated July 31, 2015, recommending the Commission issue a final order awarding the relief set out in paragraphs (1) through (5) of the "Affirmative Relief and Remand" section of its previously issued FCHR Order No. 15-043, and awarding Petitioner costs in the amount of \$1,216.16.

The Commission panel designated below considered the record of this matter and determined the action to be taken on the Recommended Order After Remand.

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 After Remand.

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 adopt the recommendations of the Administrative Law Judge for the disposition of the issues before him leading to the issuance of the "Recommended Order After Remand."

Respondent has already been ORDERED by FCHR Order No. 15-043 and is herein again 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 FCHR Order No. 15-043 (July 9, 2015), with interest accruing on the total amount at the applicable statutory rate upon the date of FCHR Order No. 15-043, 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 FCHR Order No. 15-043 (July 9, 2015), with interest accruing on the total amount at the applicable statutory rate from the date of FCHR Order No. 15-043, 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

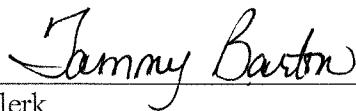
(5) to pay Petitioner the amount of costs that has been reasonably incurred in this matter by Petitioner, as recommended by the Administrative Law Judge, found by the Administrative Law Judge in the Recommended Order After Remand to be \$1,216.16.

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 14 day of October, 2015.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Gilbert M. Singer, Panel Chairperson;  
Commissioner Tony Jenkins; and  
Commissioner Sandra Turner

Filed this 14 day of October, 2015,  
in Tallahassee, Florida.

  
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Clerk  
Commission on Human Relations  
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(850) 488-7082

Copies furnished to:

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Deltona, FL 32738

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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 14 day of October, 2015.

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