

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

TANYA MERIZIER,

EEOC Case No. NONE

Petitioner,

FCHR Case No. 2014-00488

v.

DOAH Case Nos. 14-4575
15-4765

WHOLE FOODS MARKET, INC.,

FCHR Order No. 16-023

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 March 9, 2016, issued in the above-styled matter by Administrative Law Judge Darren A. Schwartz.

Findings of Fact and Conclusions of Law

Judge Schwartz's order reflects that Petitioner failed to appear at the scheduled administrative hearing in the case. Judge Schwartz's order concludes that by failing to appear, "...Petitioner failed to present any evidence to meet her burden." Consequently, the order recommends that the Commission issue a final order dismissing the Petition for Relief.

Commission panels have concluded that when a Petitioner fails to appear at the scheduled administrative hearing in their case, they fail to meet their burden of proof, and the Petition for Relief should be dismissed. See, e.g., Wade v. District School Board of Putnam County, FCHR Order No. 15-008 (February 12, 2015), Demons v. Emerald Grande, LLC, FCHR Order No. 14-033 (September 10, 2014), Bullard v. Lowry Group Properties, Inc., et al., FCHR Order No. 13-011 (February 26, 2013), Goldenberg v. Department of Corrections, FCHR Order No. 12-051 (September 17, 2012), Dotson v. Department of Financial Services, FCHR Order No. 11-034 (April 13, 2011), Patterson v. Panama City Housing Authority, FCHR Order No. 11-001 (January 13, 2011), Crump v. The Majestic Tower at Bal Harbour, FCHR Order No. 10-072 (September 21, 2010), Bermudez v. Lake County Housing Authority, FCHR Order No. 10-041 (April 27, 2010), Cowden v. DiFiglio, et al., FCHR Order No. 09-115 (December 14, 2009), Scott v. Two Men and a Truck, FCHR Order No. 09-009 (January 27, 2009), Enzor v. Sandco, Inc., FCHR Order No. 08-048 (July 29, 2008), Rodriguez v. Center Point Health and Rehab, FCHR Order No. 08-001 (January 14, 2008), West v. Sembler Corporation, d/b/a Bay Walk, FCHR Order No. 07-037 (June 15, 2007), Martinez v. KJC Enterprises, d/b/a Plantation Island Resort, FCHR Order No. 07-028 (April 20, 2007), Chaney, et al. v. Robert Buckner & Associates, FCHR Order

No. 06-092 (November 13, 2006), and Prek v. Workforce Central Florida, FCHR Order No. 06-079 (September 18, 2006).

We adopt the Administrative Law Judge's finding as to the nonappearance of Petitioner and conclude that Petitioner has failed to carry her burden of proof.

Exceptions

Neither of the parties filed exceptions to the Administrative Law Judge's Recommended Order of Dismissal.

Dismissal

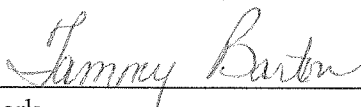
The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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 of appeal is found in Section 120.68, Florida Statutes, and in the Florida Rules of Appellate Procedure 9.110.

DONE AND ORDERED this 5 day of May, 2016.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Rebecca Steele, Panel Chairperson;
Commissioner Derick Daniel; and
Commissioner Sandra Turner

Filed this 5 day of May, 2016,
in Tallahassee, Florida.



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

Copies furnished to:

Tanya Merizier
228 Northeast 160th Terrace
North Miami Beach, FL 33162

Whole Foods Market, Inc.
c/o Ronnie Guillen, Esq.
The Chartwell Law Offices, LLP
200 South Biscayne Blvd., Suite 300
Miami, FL 33131

Darren A. Schwartz, 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 5 day of May, 2016.

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