

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

TIM MCCORMICK,

EEOC Case No. 15D201500276

Petitioner,

FCHR Case No. 2015-00567

v.

DOAH Case No. 15-5990

COASTAL COMFORT,

FCHR Order No. 16-004

Respondent.

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

Preliminary Matters

Petitioner Tim McCormick 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 Coastal Comfort committed unlawful employment practices on the bases of Petitioner's age and disability by subjecting Petitioner to a hostile work environment and by terminating Petitioner from employment.

The allegations set forth in the complaint were investigated, and, on September 15, 2015, 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.

The case was assigned to Administrative Law Judge Robert L. Kilbride.

Upon consideration of "Respondent's Motion to Dismiss Petition for Relief," Judge Kilbride issued a Recommended Order of Dismissal, dated November 18, 2015.

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

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

DONE AND ORDERED this 21 day of January, 2016.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Michael Keller, Panel Chairperson;  
Commissioner Gilbert M. Singer; and  
Commissioner Sandra Turner

Filed this 21 day of January, 2016,  
in Tallahassee, Florida.

Jammy Barton  
Clerk  
Commission on Human Relations  
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Robert L. Kilbride, 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 21 day of January, 2016.

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