

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

ROSLYN PEARSON,

Petitioner,

vs.

Case No. 15-6118

LAZYDAYS RV HOLDINGS CORP.,

Respondent.

_____ /

RECOMMENDED ORDER OF DISMISSAL

Pursuant to a Notice of Hearing dated November 17, 2015, an administrative hearing in this case was held on January 4, 2016, by video teleconference in Tampa and Tallahassee, Florida, before William F. Quattlebaum, Administrative Law Judge, Division of Administrative Hearings.

On December 30, 2015, Roslyn Pearson (Petitioner) filed a letter indicating that she "cannot follow through" with the scheduled hearing, but the letter did not specifically state that the Petitioner's request for hearing was withdrawn or request that the hearing be continued.

The Notice of Hearing entered in this case specifically stated that a failure to appear could result in closure of the file without further proceedings. On January 4, 2016, the Petitioner failed to appear for the hearing, even after commencement of the hearing was delayed to allow for a late

arrival. Lazydays RV Holdings, Inc. (Respondent), was represented at the hearing by legal counsel, and the Respondent's witnesses were present.

The Petitioner has alleged that she was subjected to unlawful discrimination by the Respondent on the basis of race or by retaliation, in violation of chapter 760, Florida Statutes (2015). The Petitioner has the burden of proving by a preponderance of the evidence that the Respondent committed an unlawful employment practice. Fla. Dep't of Transp. v. J.W.C. Co., 396 So. 2d 778 (Fla. 1st DCA 1981). The Petitioner's failure to appear precludes her from meeting the burden of proof in the case.

Based on the foregoing, it is hereby recommended that the Florida Commission on Human Relation enter a final order dismissing the Petition for Relief filed by the Petitioner in this case.

DONE AND ENTERED this 4th day of January, 2016, in Tallahassee, Leon County, Florida.

William F. Quattlebaum

WILLIAM F. QUATTLEBAUM
Administrative Law Judge
Division of Administrative Hearings
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Filed with the Clerk of the
Division of Administrative Hearings
this 4th day of January, 2016.

COPIES FURNISHED:

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NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the Final Order in this case.