

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

JOHNNIE CANADY,

EEOC Case No. 15D201500301

Petitioner,

FCHR Case No. 2015-00274

v.

DOAH Case No. 16-0984

VOLUSIA COUNTY SCHOOLS,

FCHR Order No. 16-064

Respondent.

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

Preliminary Matters

Petitioner Johnnie Canady filed an amended complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (2014), alleging that Respondent Volusia County Schools committed unlawful employment practices on the bases of Petitioner's race (African American) and disability, and on the basis of retaliation, by forcing Petitioner to submit to "safety check" and "fitness for duty" evaluations and take a leave of absence, and on the basis of Petitioner's disability by failing to provide Petitioner a reasonable accommodation.

The allegations set forth in the amended complaint were investigated, and, on January 13, 2016, 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 DeLand, Florida, on July 1, 2016, before Administrative Law Judge James H. Peterson, III.

Judge Peterson issued a Recommended Order of dismissal, dated September 27, 2016.

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.

Dismissal

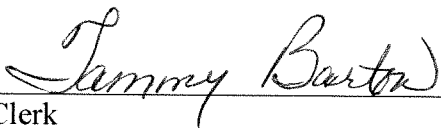
The Petition for Relief and amended Complaint of Discrimination are DISMISSED with prejudice.

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 8 day of December, 2016.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Rebecca Steele, Panel Chairperson;
Commissioner Derick Daniel; and
Commissioner Gilbert M. Singer

Filed this 8 day of December, 2016,
in Tallahassee, Florida.


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

Copies furnished to:

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Volusia County Schools
c/o Erin G. Jackson, Esq.
c/o Christopher M. Bentley, Esq.
Thompson, Sizemore, Gonzalez
& Hearing, P.A.
201 North Franklin Street, Ste. 1600
Tampa, FL 33602

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 8 day of December, 2016.

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