

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

BRAD HAUSER,

EEOC Case No. 15D201600035

Petitioner,

FCHR Case No. 2016-00076

v.

DOAH Case No. 16-3949

ACCELERATED COMMUNICATIONS AND
CONSTRUCTION,

FCHR Order No. 16-059

Respondent.

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

This matter is before the Commission for consideration of the Order Granting Respondent's Motion to Dismiss, dated September 8, 2016, issued in the above-styled matter by Administrative Law Judge Suzanne Van Wyk.

Findings of Fact and Conclusions of Law

Judge Van Wyk's order grants Respondent's motion to dismiss the case which alleges, "Petitioner has failed to allege that he was discriminated against for engaging in any protected activity, pursuant to the Civil Rights Act of 1992."

Subsequent to Respondent's motion and prior to dismissing the case, Judge Van Wyk issued an Order to Show Cause directing Petitioner within 20 days to show cause "why this matter should not be dismissed and the case relinquished to the Florida Commission on Human Relations."

The order currently before the Commission indicates that Petitioner did not comply with the Order to Show Cause.

We note that, generally, Commission panels have concluded that a Petitioner's failure to respond to orders of an Administrative Law Judge amounts to a voluntary dismissal of the Petition for Relief. Watkins v. Michaels Arts and Crafts, FCHR Order No. 15-063 (October 14, 2015). See, also, generally, Noel v. C and S Wholesale Services, Inc., FCHR Order No. 15-044 (July 31, 2015), Morgan v. Skin Cancer Associates, FCHR Order No. 15-035 (June 10, 2015), Herard v. MasTec, Inc., FCHR Order No. 13-034 (May 1, 2013), Cawley v. Primrose Center, Inc., FCHR Order No. 12-009 (February 21, 2012), Roundtree, et al. v. Advenir at Stonelake, LLC, FCHR Order No. 11-069 (August 30, 2011), Biggers v. Rooms To Go, FCHR Order No. 09-045 (May 12, 2009), Shook v. Riverside National Bank, FCHR Order No. 08-029

(May 6, 2008), Clifton v. Krys, et al., FCHR Order No. 07-062 (November 7, 2007), Bordonaro v. The Green at the Heather Condominium Association, Inc., FCHR Order No. 07-010 (February 14, 2007), Butler v. The Pepsi Bottling Group, FCHR Order No. 06-107 (December 4, 2006), Castellanos v. Express Net Airlines Pilots Association, FCHR Order No. 05-061 (June 15, 2005), Mayfield v. Karl's Haberdashery of Florida, Inc., FCHR Order No. 04-020 (March 10, 2004), and Kenny v. Florida Department of Corrections, FCHR Order No. 02-020 (June 3, 2002).

Based on the foregoing, we conclude that the Petition for Relief should be dismissed.

Exceptions

Neither of the parties filed exceptions to the Administrative Law Judge's Order Granting Respondent's Motion to Dismiss.

Dismissal

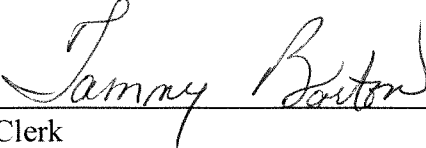
The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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 17 day of November, 2016.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Tony Jenkins, Panel Chairperson;
Commissioner Donna Elam; and
Commissioner Gilbert M. Singer

Filed this 17 day of November, 2016,
in Tallahassee, Florida.



Clerk
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Suzanne Van Wyk, 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 17 day of November, 2016.

By: 
Clerk of the Commission
Florida Commission on Human Relations