

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

KURT SHANNON,

EEOC Case No. NONE

Petitioner,

FCHR Case No. 2016-00608

v.

DOAH Case No. 16-4126

HILLSBOROUGH AREA REGIONAL
TRANSIT,

FCHR Order No. 17-008

Respondent.

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

Preliminary Matters

Petitioner Kurt Shannon filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (2014), alleging that Respondent Hillsborough Area Regional Transit committed an unlawful employment practice on the basis of Petitioner's race (Black) and on the basis of retaliation by terminating Petitioner from employment as a Bus Operator.

The allegations set forth in the complaint were investigated, and, on June 16, 2016, 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 matter was assigned to Administrative Law Judge J. Bruce Culpepper.

Prior to an evidentiary hearing in the case, Judge Culpepper considered the issue raised in the Order to Show Cause, dated September 30, 2016, namely whether the Petition for Relief should be dismissed for lack of subject matter jurisdiction because the complaint of discrimination was untimely.

Upon considering the parties' responses to the Order to Show Cause, Judge Culpepper issued an Order Closing File and Relinquishing Jurisdiction, dated October 25, 2016, finding that Respondent terminated Petitioner on January 14, 2014, and that the complaint of discrimination was filed on January 16, 2016, more than 365 days from the date of termination. Judge Culpepper concluded, therefore, that "Petitioner's Petition for Relief in this matter must be dismissed for lack of subject matter jurisdiction." See, Section 760.11(1), Florida Statutes (2016).

The Commission panel designated below considered the record of this matter and determined the action to be taken on the Order Closing File and Relinquishing Jurisdiction.

Findings of Fact

We find the Administrative Law Judge's findings of fact contained in the Order Closing File and Relinquishing Jurisdiction 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 as set out in the Order Closing File and Relinquishing Jurisdiction, including the conclusion that "Petitioner's Petition for Relief in this matter must be dismissed for lack of subject matter jurisdiction," to be correct.

We adopt the Administrative Law Judge's conclusions of law.

Exceptions

Neither of the parties filed exceptions to the Administrative Law Judge's Order Closing File and Relinquishing Jurisdiction.

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 19 day of January, 2017.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

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

Filed this 19 day of January, 2017,
in Tallahassee, Florida.



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

Copies furnished to:


Kurt Shannon
3751 Beneraid St.
Land O Lakes, FL 34638

Hillsborough Area Regional Transit
c/o Michael H. Bowling, Esq.
Bell & Roper, P.A.
2707 E. Jefferson St.
Orlando, FL 32803

J. Bruce Culpepper, 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 19 day of January, 2017.

By: 
Clerk of the Commission
Florida Commission on Human Relations