

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

JUDAH WILLIAMS,

EEOC Case No. 15D201500558

Petitioner,

FCHR Case No. 2015-00916

v.

DOAH Case No. 16-4288

EASTERN SHIPYARD,

FCHR Order No. 16-062

Respondent.

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

This matter is before the Commission for consideration of the Order Closing File, dated October 3, 2016, issued in the above-styled matter by Administrative Law Judge R. Bruce McKibben.

Findings of Fact and Conclusions of Law

Judge McKibben's order reflects that Petitioner failed to comply with an order of the Administrative Law Judge. Specifically, on September 23, 2016, Judge McKibben issued an Order Compelling Responses to Discovery and Granting Continuance requiring the parties to file a case status report no later than September 30, 2016. As of the date of the order currently before the Commission, Petitioner had not filed a response as directed.

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. See, generally, Varona v. Marshall Apartments, LLC, FCHR Order No. 15-062 (October 14, 2015), 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 Closing File.

Dismissal

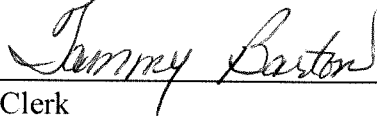
The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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 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:

Judah Williams
c/o Robert L. Thirston, II, Esq.
Thirston Law Office
Post Office Box 19617
Panama City Beach, FL 32417

Eastern Shipyard
c/o Adrienne L. Conrad, Esq.
c/o Jennifer Shoaf Richardson, Esq.
Jackson Lewis, LLP
501 Riverside Ave., Ste. 902
Jacksonville, FL 32202

R. Bruce McKibben, 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: Jimmy Barton
Clerk of the Commission
Florida Commission on Human Relations