

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

JUSTIN (MICHAEL) KING,

EEOC Case No. 425201500873

Petitioner,

FCHR Case No. 2015-01389

v.

DOAH Case No. 16-4415

OVERHEAD DOOR CORP., d/b/a WAYNE  
DALTON,

FCHR Order No. 17-061

Respondent.

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

Preliminary Matters

Petitioner Justin (Michael) King 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 Overhead Door Corp., d/b/a Wayne Dalton, committed unlawful employment practices, indicating, "I believe I was discriminated against, and ultimately terminated because of my race, African American, and in retaliation for repeatedly complaining about discrimination."

The allegations set forth in the complaint were investigated, and, on June 29, 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.

An evidentiary hearing was held in Pensacola, Florida, on October 12 and December 16, 2016, and February 9, 2017, before Administrative Law Judge Garnett W. Chisenhall.

Judge Chisenhall issued a Recommended Order of dismissal, dated May 23, 2017.

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

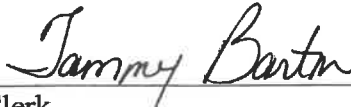
The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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 August, 2017.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Donna Elam, Panel Chairperson;  
Commissioner Latanya Peterson; and  
Commissioner Jay Pichard

Filed this 17 day of August, 2017,  
in Tallahassee, Florida.

  
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Clerk  
Commission on Human Relations  
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(850) 488-7082

Copies furnished to:

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Wayne Dalton  
c/o B. Tyler White, Esq.  
Jackson Lewis P.C.  
501 Riverside Ave., Ste. 902  
Jacksonville, FL 32202

Garnett W. Chisenhall, 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 August, 2017.

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