

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

MARY ANN PETTY,

EEOC Case No. 15D201600395

Petitioner,

FCHR Case No. 2016-00898

v.

DOAH Case No. 16-6146

WALTON COUNTY SHERIFF'S
DEPARTMENT,

FCHR Order No. 17-087

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 and Relinquishing Jurisdiction, dated August 7, 2017, issued in the above-styled matter by Administrative Law Judge Lawrence P. Stevenson.

Findings of Fact and Conclusions of Law

Judge Stevenson's order reflects that Petitioner failed to comply with orders of the Administrative Law Judge.

Specifically, on May 24, 2017, Judge Stevenson issued an Order Granting Continuance, requiring a status update from the parties in writing by no later than June 5, 2017.

Petitioner did not timely respond with a status update, but rather on July 21, 2017, filed a "Request for Case Status Hearing and Enlargement of Time to Respond," requesting additional time to respond to a motion to dismiss filed by Respondent. Judge Stevenson's order states, "During the ensuing 10 days, the undersigned's assistant made several telephone calls to, and left messages for, counsel for Petitioner in an effort to schedule the requested case status hearing. After several such calls, the undersigned instructed his assistant to leave a message for Petitioner's counsel instructing him to contact this office no later than Friday, August 4, 2017, or face closure of the file in this case. Counsel for Petitioner did not respond to this message."

Judge Stevenson, consequently, granted Respondent's motion to dismiss and relinquished jurisdiction to the Commission.

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, Rajasekhar v. South Florida Water Management District, FCHR Order No. 17-007 (January 19, 2017), 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. Kryz, 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 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 2 day of November, 2017.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Rebecca Steele, Panel Chairperson;
Commissioner Donna Elam; and
Commissioner Jay Pichard

Filed this 2 day of November, 2017,
in Tallahassee, Florida.



Clerk
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Lawrence P. Stevenson, 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 2 day of November, 2017.

By: 
Clerk of the Commission
Florida Commission on Human Relations