

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

ADRIAN RICO,

EEOC Case No. 15D201600788

Petitioner,

FCHR Case No. 2016-01519

v.

DOAH Case No. 17-1550

HIGBEE COMPANY, d/b/a
DILLARD'S,

FCHR Order No. 18-017

Respondent.

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

Preliminary Matters

Petitioner Adrian Rico filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (2015), alleging that Respondent Higbee Company, d/b/a Dillard's, committed unlawful employment practices on the bases of Petitioner's national origin (Mexican) and disability by treating Petitioner differently than other employees and terminating Petitioner from employment. Petitioner also alleged discrimination on the basis of his national origin in that Petitioner was made fun of because of his accent.

The allegations set forth in the complaint were investigated, and, on March 6, 2017, 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 Tallahassee, Florida, over the course of two days. On June 29, 2017, Administrative Law Judge Suzanne Van Wyk presided over the first day of the hearing. The case was subsequently transferred to Administrative Law Judge Lawrence P. Stevenson, who presided over the second day of the hearing on July 28, 2017.

Judge Stevenson issued a Recommended Order of dismissal, dated October 24, 2017.

On January 11, 2018, the Commission issued an "Order Remanding Case to Administrative Law Judge for Re-Issuance of Recommended Order," (FCHR Order No. 18-007), directing the Administrative Law Judge to re-issue the Recommended Order over concerns that the Recommended Order had been sent to an incorrect address for Petitioner.

Judge Stevenson issued a Recommended Order on Remand, recommending dismissal, dated January 18, 2018.

The Commission panel designated below considered the record of this matter and determined the action to be taken on the Recommended Order on Remand.

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 on Remand.

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 12 day of April, 2018.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Tony Jenkins, Panel Chairperson;
Commissioner Jay Pichard; and
Commissioner Rebecca Steele

Filed this 12 day of April, 2018,
in Tallahassee, Florida.



Clerk

Commission on Human Relations

4075 Esplanade Way, Room 110

Tallahassee, FL 32399

(850) 488-7082

Copies furnished to:

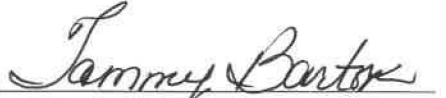
Adrian Rico
4050 Dancing Cloud Ct.
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Destin, FL 32541

Higbee Company, d/b/a Dillard's
c/o Christopher W. Deering, Esq.
Ogletree, Deakins, Nash,
Smoak & Stewart, P.C.
420 20th Street North, Ste. 1900
Birmingham, AL 35203

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 12 day of April, 2018.

By: 
Clerk of the Commission
Florida Commission on Human Relations