

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

GLORIA J. HARRISON,

EEOC Case No. 15D201700029

Petitioner,

FCHR Case No. 2016-01959

v.

DOAH Case No. 17-2601

21ST CENTURY ONCOLOGY,

FCHR Order No. 17-059

Respondent.

**INTERLOCUTORY ORDER PLACING CASE IN ABEYANCE AND REQUIRING
STATUS UPDATE FROM RESPONDENT**

This matter is before the Commission for consideration of the “Order Closing File and Relinquishing Jurisdiction,” dated May 31, 2017, issued in the above-styled matter by Administrative Law Judge Suzanne Van Wyk.

Findings of Fact and Conclusions of Law

This matter was before Judge Van Wyk on Respondent’s Notice of Suggestion on Pendency of Bankruptcy for 21st Century Oncology Holdings, Inc., et al., and Automatic Stay of Proceedings, filed May 26, 2017.

Judge Van Wyk’s order finds, “By operation of section 362 of the Bankruptcy Code, this case is automatically stayed until such time as Respondent’s underlying bankruptcy petition is closed, dismissed or otherwise discharged.”

Judge Van Wyk’s order further states, “Processing bankruptcy petitions is a complex matter which takes significant time to resolve. Rather than retain this matter in abeyance to languish on the docket at the Division of Administrative Hearings (Division), the undersigned finds it appropriate to relinquish jurisdiction to the Florida Commission on Human Relations where the parties may choose to participate in mediation or explore other options to resolve the case. This case may be referred to the Division at a later date if the parties again request a disputed fact-finding hearing.”

Based on the above-findings, we conclude the case should be placed in abeyance until the underlying bankruptcy petition is closed, dismissed or otherwise discharged. We further place on Respondent the responsibility of updating the Commission on the status of the underlying bankruptcy petition. Respondent is directed to inform the Commission immediately upon the closure, dismissal or discharge of the petition, or of any event lifting the bankruptcy stay. Further, regardless of whether the bankruptcy stay has been lifted, Respondent is directed to file with the Commission a status report by close of business on February 5, 2018. If no status report is received from Respondent by that time, the assumption will be made that the bankruptcy stay

has been lifted and the case will be transmitted back to the Division of Administrative Hearings for further proceedings on the Petition for Relief.

Exceptions

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

Abeyance and Status Report Directive to Respondent

It is hereby ORDERED, this case is placed in abeyance pursuant to the operation of the bankruptcy stay.

Respondent is hereby ORDERED, to inform the Commission immediately upon the lifting of the bankruptcy stay. If no status report is received by the Commission from Respondent by close-of-business on February 5, 2018, the Commission will conclude the bankruptcy stay has been lifted and the matter will be transmitted to the Division of Administrative Hearings for further proceedings on the Petition for Relief.

DONE AND ORDERED this 3 day of August, 2017.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Rebecca Steele, Panel Chairperson;
Commissioner Derick Daniel; and
Commissioner Sandra Turner

Filed this 3 day of August, 2017,
in Tallahassee, Florida.

Jammy Berton
Clerk
Commission on Human Relations
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Suzanne Van Wyk, 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 3 day of August, 2017.

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