

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

ALAIN GAZAPO,

EEOC Case No. 15D201700102

Petitioner,

FCHR Case No. 2017-00098

v.

DOAH Case No. 17-3104

AT AND T,

FCHR Order No. 17-094

Respondent.

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

This matter is before the Commission for consideration of the Order Relinquishing Jurisdiction and Closing File, dated October 12, 2017, issued in the above-styled matter by Administrative Law Judge John G. Van Laningham.

Findings of Fact and Conclusions of Law

Judge Van Laningham's order reflects that Petitioner failed to comply with an order of the Administrative Law Judge. Specifically, on August 25, 2017, Judge Van Laningham issued an "Order Granting Motion to Compel" requiring Petitioner to respond to Respondent's discovery requests no later than September 5, 2017. Upon receiving notice from Respondent that Petitioner did not comply with this order, Judge Van Laningham issued an "Order to Show Cause," dated September 27, 2017, directing Petitioner to respond in writing by October 10, 2017, as to why sanctions should not be imposed for Petitioner's failure to comply with the "Order Granting Motion to Compel."

Petitioner did not respond to the Order to Show Cause.

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, Schroeder-Suarez v. State of Florida Department of Children and Families, FCHR Order No. 17-044 (June 15, 2017), Norris v. Florida Gulf Coast University, FCHR Order No. 17-006 (January 19, 2017) and Watkins v. Michaels Arts and Crafts, FCHR Order No. 15-063 (October 14, 2015). See, also, generally, 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 Relinquishing Jurisdiction and Closing File.

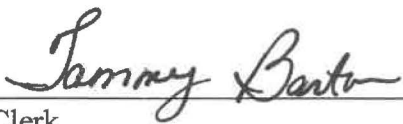
Dismissal

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 13 day of December, 2017.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

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

Filed this 13 day of December, 2017,
in Tallahassee, Florida.



Clerk
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John G. Van Laningham, 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 13 day of December, 2017.

By: Jimmy Barta
Clerk of the Commission
Florida Commission on Human Relations