

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

DONNA M. CYRUS,

EEOC Case No. 15D201700344

Petitioner,

FCHR Case No. 2017-00454

v.

DOAH Case No. 17-4839

EXPRESS SCRIPTS,

FCHR Order No. 18-021

Respondent.

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

Preliminary Matters

Petitioner Donna M. Cyrus filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (2016), alleging that Respondent Express Scripts committed unlawful employment practices on the basis of Petitioner's race (Black), and on the basis of unlawful retaliation for filing an internal complaint alleging race discrimination, by subjecting Petitioner to different terms and conditions of employment than her co-workers.

The allegations set forth in the complaint were investigated, and, on August 21, 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 Orlando, Florida, on November 8, 2017, before Administrative Law Judge J. Bruce Culpepper.

Judge Culpepper issued a Recommended Order of dismissal, dated February 27, 2018.

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 May, 2018.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Tony Jenkins, Panel Chairperson;  
Commissioner Latanya Peterson; and  
Commissioner Gilbert M. Singer

Filed this 17 day of May, 2018,  
in Tallahassee, Florida.

  
Clerk  
Commission on Human Relations  
4075 Esplanade Way, Room 110  
Tallahassee, FL 32399  
(850) 488-7082

Copies furnished to:

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Express Scripts  
c/o B. Tyler White, Esq.  
Jackson Lewis P.C.  
501 Riverside Avenue, Ste. 902  
Jacksonville, FL 32202

J. Bruce Culpepper, 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 May, 2018.

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