

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

TONEY R. FERRELL,

EEOC Case No. 15D201700520

Petitioner,

FCHR Case No. 2017-00847

v.

DOAH Case No. 17-6384

FLORIDA AGRICULTURAL AND
MECHANICAL UNIVERSITY BOARD OF
TRUSTEES,

FCHR Order No. 18-031

Respondent.

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

Preliminary Matters

Petitioner Toney R. Ferrell 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 Florida Agricultural and Mechanical University Board of Trustees committed unlawful employment practices on the basis of Petitioner's age (DOB: 9-2-53) by not giving Petitioner pay raises and by directing that his pay be docked for time taken off to care for his mother. Petitioner also alleged Respondent engaged in unlawful retaliation.

The allegations set forth in the complaint were investigated, and, on October 17, 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, on February 15, 2018, before Administrative Law Judge Yolanda Y. Green.

Judge Green issued a Recommended Order of dismissal, dated April 5, 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

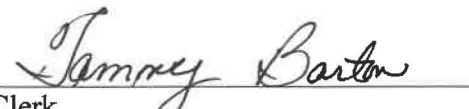
The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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 21 day of June, 2018.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Tony Jenkins, Panel Chairperson;
Commissioner Donna Elam; and
Commissioner Mario Garza

Filed this 21 day of June, 2018,
in Tallahassee, Florida.


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

FCHR Order No. 18-031

Page 3

Copies furnished to:

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Florida Agricultural and Mechanical
University Board of Trustees
c/o David C. Self, II, Esq.
Associate General Counsel
1700 Lee Hall Drive, Ste. 304 FHAC
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Yolanda Y. Green, 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 21 day of June, 2018.

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