

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

HOLLY PHILLIPS,

EEOC Case No. 15D201800351

Petitioner,

FCHR Case No. 2018-03740

v.

DOAH Case No. 18-3961

MARTIN HEALTH SYSTEM (MARTIN
MEDICAL CENTER),

FCHR Order No. 19-017

Respondent.

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

Preliminary Matters

Petitioner Holly Phillips filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (2017), alleging that Respondent Martin Health System (Martin Medical Center) committed an unlawful employment practice by transferring, harassing, and ultimately discharging Petitioner in retaliation for having engaged in a protected activity.

The allegations set forth in the complaint were investigated, and, on June 19, 2018, 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.

The case was scheduled for hearing on September 17, 2018.

On August 10, 2018, Petitioner filed Petitioner's *Unopposed* Motion for Continuance of Administrative Hearing Scheduled for September 17, 2018, at 9:00 A.M. because counsel for Petitioner had a conflict on the date of the hearing. The continuance was granted on August 13, 2018. The hearing was subsequently rescheduled for January 9 and 10, 2019.

On November 19, 2018, Respondent filed Respondent's Motion for Summary Order and Incorporated Memorandum of Law in Support in which Respondent requested dismissal of Petitioner's retaliation claim based on Petitioner's complaint of discrimination filed with the Commission, her Petition for Relief, and her sworn testimony in her deposition, all establishing that Petitioner did not engage in a statutorily protected activity, a required element of a claim of retaliation under the Florida Civil Rights Act of 1992. Administrative Law Judge Cathy M. Sellers issued a Recommended Order of Dismissal, dated December 12, 2018, based on there being no disputed issue of material fact.

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

Findings of Fact

We find the Administrative Law Judge's findings of facts 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 party filed exceptions to the Administrative Law Judge's Recommended Order of Dismissal.

Dismissal

We find Petitioner did not prove that Respondent committed an unlawful employment practice against her.

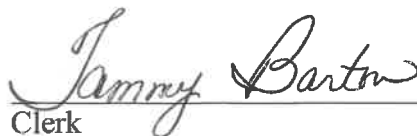
The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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 4 day of March, 2019.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Tony Jenkins, Panel Chairperson;
Commissioner Maryam Laguna Borrego (not participating); and
Commissioner Gilbert Singer

Filed this 4 day of March, 2019,
in Tallahassee, Florida.



Clerk

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

Copies furnished to:

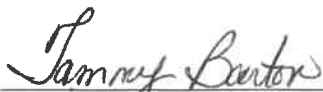
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Cathy M. Sellers, Administrative Law Judge, DOAH

Stanley Gorsica, Legal Advisor for Commission Panel

I HEREBY CERTIFY that a copy of the foregoing has been mailed to the above listed addressees this 4 day of March, 2019.

By: 
Clerk of the Commission
Florida Commission on Human Relations