

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

ALVIN CHRISTIAN,

EEOC Case No. N/A

Petitioner,

FCHR Case No. 2018-03312

v.

DOAH Case No. 18-4216

FLORIDA STATE HOSPITAL,

FCHR Order No. 18-053

Respondent.

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

Preliminary Matters

Petitioner Alvin Christian 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 State Hospital committed an unlawful employment practice by terminating him in retaliation for reporting safety concerns to his unit director and the hospital administrator.

The allegations set forth in the complaint were investigated, and, on July 11, 2018, the Executive Director issued a determination finding that there was no reasonable cause to believe that an unlawful employment practice had occurred.

On August 10, 2018, 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.

On August 30, 2018, Respondent filed a Motion to Dismiss, or In the Alternative, Motion for Judgment on the Pleadings. In response, Administrative Law Judge Robert J. Telfer III issued an Order to Show Cause on September 11, 2018 (amended twice on September 12, 2018). Complainant responded with a handwritten letter on September 17, 2018.

Judge Robert J. Telfer III issued an "Order Granting Motion to Dismiss, or In the Alternative, Motion for Judgment on the Pleadings, and Relinquishing Jurisdiction," dated September 20, 2018, concluding that "Petitioner did not allege that Respondent retaliated against him for making a charge, testifying, assisting, or participating in any manner in an investigation, proceeding, or hearing based on race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status, as required by section 760.10 [Florida Statutes]."

The Commission panel designated below considered the record of this matter and determined the action to be taken on the Order Granting Motion to Dismiss, or In the Alternative, Motion for Judgment on the Pleadings, and Relinquishing Jurisdiction.

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 Order Granting Motion to Dismiss, or In the Alternative, Motion for Judgment on the Pleadings, and Relinquishing Jurisdiction.

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, 2018.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Tony Jenkins, Panel Chairperson;  
Commissioner Mario Garza; and  
Commissioner Rebecca Steele

Filed this 13 day of December, 2018,  
in Tallahassee, Florida.

  
Clerk  
Commission on Human Relations  
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Copies furnished to:

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Department of Children and Families  
Post Office Box 1000  
Chattahoochee, FL 32324

Robert J. Telfer III, Administrative Law Judge, DOAH

Sarah Stewart, 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, 2018.

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