

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

MYRNA TRENT,

EEOC Case No. N/A

Petitioner,

FCHR Case No. 2018-03702

v.

DOAH Case No. 18-6721

HOLIDAY TRAVEL PARK CO-OP,

FCHR Order No. 19-033

Respondent.

**ORDER REMANDING PETITION FOR
RELIEF FROM AN UNLAWFUL EMPLOYMENT PRACTICE**

This matter is before the Commission for consideration of the Recommended Order of Dismissal, dated February 22, 2019, issued in the above-styled matter by Administrative Law Judge E. Gary Early.

Findings of Fact and Conclusions of Law

Judge Early's Recommended Order of Dismissal finds that Petitioner failed to appear at the scheduled administrative hearing in the case, and concludes that this failure to appear precludes Petitioner from meeting the burden of proof in the case. The Recommended Order of Dismissal recommends, therefore, that the Commission issue a final order dismissing the Petition for Relief.

We are not yet ready to adopt the Administrative Law Judge's conclusion that the case be dismissed.

We are concerned that Petitioner might not have had notice of the administrative hearing at which she failed to appear.

The record and zip code for Petitioner indicate that Petitioner's address is Post Office Box 11, Hollendale, Missouri 65664. However, the Notice of Hearing and the Recommended Order of Dismissal were both sent to Post Office Box 11, Hollendale, Florida 65664. The record also reflects that the Recommended Order of Dismissal sent to Petitioner was returned to the Division of Administrative Hearings from the Post Office as undeliverable on April 1, 2019; and the Notice of Hearing sent to Petitioner was returned to the Division of Administrative Hearings from the Post Office as undeliverable on April 15, 2019. No document issued by the Division of Administrative Hearings reflects e-service of any document on Petitioner, so we must conclude that all documents issued by the Division of Administrative Hearings were served on Petitioner by U.S. Mail. The record reflects no document filed by Petitioner with the Division of Administrative Hearings at all. Documents filed by Respondent and served on Petitioner also reflect Florida as the state on Petitioner's address.

Based on this, we conclude that having Florida listed as the state on the address for the documents filed in the docket instead of Missouri may have resulted in Petitioner's failure to appear at the final administrative hearing in this matter.

We conclude that this matter should be remanded to the Administrative Law Judge for a determination of whether Petitioner actually had notice of the hearing at which she failed to appear and for such other proceedings as are necessary based on that determination.

Exceptions

Neither of the parties filed exceptions to the Administrative Law Judge's Order Closing File.


Remand

This matter is REMANDED to the Administrative Law Judge for a determination of whether Petitioner actually had notice of the hearing at which she failed to appear and, if it is found that Petitioner did not have notice of that hearing, for such further proceedings on the Petition for Relief as are necessary based on that determination.

DONE AND ORDERED this 16 day of May, 2019.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Latanya Peterson, Panel Chairperson;
Commissioner Mario Garza; and
Commissioner Jay Pichard

Filed this 16 day of May, 2019,
in Tallahassee, Florida.



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E. Gary Early, 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 16 day of May, 2019.

By: Sammy Burton
Clerk of the Commission
Florida Commission on Human Relations