

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

NEOLINE CLEMENT,

EEOC Case No. 15D201801004

Petitioner,

FCHR Case No. 2019-15487

v.

DOAH Case No. 19-2662

NORTHPORT HEALTH SERVICES OF
FLORIDA, LLC, d/b/a DAYTONA
BEACH HEALTH AND REHAB,

FCHR Order No. 19-057

Respondent.

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

This matter is before the Commission for consideration of the Order Relinquishing Jurisdiction and Recommending Dismissal, dated July 3, 2019, issued in the above-styled matter by Administrative Law Judge Robert L. Kilbride.

Findings of Fact and Conclusions of Law

On September 10, 2018, Petitioner Neoline Clement 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 Northport Health Services of Florida, LLC, committed an unlawful employment practice against Petitioner based on retaliation for Petitioner's participation in a protected activity.

On April 23, 2019, the Executive Director issued a determination finding that there was no jurisdiction for the Commission to conduct an investigation.

On May 17, 2019, 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 in front of Administrative Law Judge Robert L. Kilbride.

On June 27, 2019, Respondent filed Respondent's Motion for Summary Order Recommending Dismissal of Petition for Relief and Incorporated Memorandum of Law.

On June 28, 2019, Petitioner filed a Response to Motion to Dismiss.

Judge Kilbride issued an Order Relinquishing Jurisdiction and Recommending Dismissal, dated July 3, 2019.

Judge Kilbride's order reflects that Petitioner's complaint was untimely filed, having been filed outside the 365-day timeframe required by statute.

The evidentiary hearing scheduled for July 29, 2019, was cancelled accordingly.

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

We adopt the Administrative Law Judge's conclusion in the Order Relinquishing Jurisdiction and Recommending Dismissal that Petitioner's complaint was untimely filed.

Exceptions

Neither of the parties filed exceptions to the Administrative Law Judge's Order Relinquishing Jurisdiction and Recommending Dismissal.

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 of appeal is found in Section 120.68, Florida Statutes, and in the Florida Rules of Appellate Procedure 9.110.

DONE AND ORDERED this 1st day of October, 2019.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Latanya Peterson, Panel Chairperson;
Commissioner Donna Elam; and
Commissioner Jay Pichard

Filed this 1st day of October, 2019,
in Tallahassee, Florida.



Clerk
Commission on Human Relations
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Copies furnished to:

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Robert L. Kilbride, 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 1st day of October, 2019.

By: Jimmy Barto
Clerk of the Commission
Florida Commission on Human Relations