

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

GLORIA J. HARRISON,

EEOC Case No. 15D201700029

Petitioner,

FCHR Case No. 2016-01959

v.

DOAH Case No. 19-4587

21ST CENTURY ONCOLOGY,

FCHR Order No. 20-006

Respondent.

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

This matter is before the Commission for consideration of the Recommended Order of Dismissal, dated December 6, 2019, issued in the above-styled matter by Administrative Law Judge Suzanne Van Wyk.

Findings of Fact and Conclusions of Law

Judge Van Wyk's order reflects that Petitioner failed to respond to Respondent's Motion to Relinquish Jurisdiction with a Recommendation for Dismissal with any legal arguments related to the issue of jurisdiction raised by Respondent. Additionally, Petitioner filed proposed exhibits for the hearing unilaterally set by Judge Van Wyk, but did not file a response to the Amended Initial Order.

We note that, generally, Commission panels have concluded that a Petitioner's failure to respond to orders of an Administrative Law Judge amounts to a voluntary dismissal of the Petition for Relief. See, generally, Varona v. Marshall Apartments, LLC, FCHR Order No. 15-062 (October 14, 2015), Noel v. C and S Wholesale Services, Inc., FCHR Order No. 15-044 (July 31, 2015), Morgan v. Skin Cancer Associates, FCHR Order No. 15-035 (June 10, 2015), Herard v. MasTec, Inc., FCHR Order No. 13-034 (May 1, 2013), Cawley v. Primrose Center, Inc., FCHR Order No. 12-009 (February 21, 2012), Roundtree, et al. v. Advenir at Stonelake, LLC, FCHR Order No. 11-069 (August 30, 2011), Biggers v. Rooms To Go, FCHR Order No. 09-045 (May 12, 2009), Shook v. Riverside National Bank, FCHR Order No. 08-029 (May 6, 2008), Clifton v. Krys, et al., FCHR Order No. 07-062 (November 7, 2007), Bordonaro v. The Green at the Heather Condominium Association, Inc., FCHR Order No. 07-010 (February 14, 2007), Butler v. The Pepsi Bottling Group, FCHR Order No. 06-107 (December 4, 2006), Castellanos v. Express Net Airlines Pilots Association, FCHR Order No. 05-061 (June 15, 2005), Mayfield v. Karl's Haberdashery of Florida, Inc., FCHR Order No. 04-020 (March 10, 2004), and Kenny v. Florida Department of Corrections, FCHR Order No. 02-020 (June 3, 2002).

Based on the foregoing, we conclude that the Petition for Relief should be dismissed.

Exceptions

Neither party filed exceptions to the Administrative Law Judge's Recommended Order of 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 18 day of February, 2020.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Latanya Peterson, Panel Chairperson;
Commissioner Mario Garza; and
Commissioner Gilbert Singer

Filed this 18 day of February, 2020,
in Tallahassee, Florida.



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Suzanne Van Wyk, 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 18 day of February, 2020.

By: Jamaya Lorton
Clerk of the Commission
Florida Commission on Human Relations