

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

VADIM TROSHKIN,

EEOC Case No. 15D202000161

Petitioner,

FCHR Case No. 2019-21589

v.

DOAH Case No. 20-2445

STATE OF FLORIDA, DEPARTMENT OF
HEALTH, DUVAL COUNTY HEALTH
DEPARTMENT,

FCHR Order No. 20-008

Respondent.

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

Preliminary Matters

Petitioner Vadim Troshkin filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (2019), alleging that Respondent, State of Florida, Department of Health, Duval County Health Department, committed an unlawful employment practice by not hiring him because of his age and national origin.

Petitioner, because the Commission had not completed an investigation within 180 days from the filing of his complaint, opted to file 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.

An evidentiary hearing was held by Zoom conference on August 4, 2020, before Administrative Law Judge Suzanne Van Wyk. Petitioner did not appear at the hearing. Respondent provided testimony and other evidence.

Judge Van Wyck issued a Recommended Order, dated September 1, 2020, recommending that the Commission dismiss the Petition for Relief.

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

Findings of Fact and Conclusions of Law

A transcript of the proceeding before the Administrative Law Judge was not filed with the Commission. In the absence of a transcript of the proceeding before the Administrative Law Judge, the Recommended Order is the only evidence for the Commission to consider. See National Industries, Inc. v. Commission on Human Relations, et al., 527 So. 2d 894, at 897, 898 (Fla. 5th DCA 1988). Accord, Coleman v. Daytona Beach, Ocean Center Parking Garage,

FCHR Order No. 14-034 (September 10, 2014), Gantz, et al. v. Zion's Hope, Inc., d/b/a Holy Land Experience, FCHR Order No. 11-048 (June 6, 2011), and Hall v. Villages of West Oaks HOA, FCHR Order No. 08-007 (January 14, 2008).

The Recommended Order reflects that Petitioner failed to appear at the scheduled administrative hearing in the case. Judge Van Wyk indicated that by failing to appear, Petitioner failed to present any evidence to meet his burden. The Recommended Order recommends that the Commission issue a final order dismissing the Petition for Relief. Commission panels have concluded that when a Petitioner fails to appear at the scheduled administrative hearing in their case, they fail to meet their burden of proof, and the Petition for Relief should be dismissed. See, e.g., Sushkova v. Marco Destin, Inc., FCHR Order No. 17-083 (November 2, 2017), Santana v. Charter Communications, Inc., FCHR Order No. 17-067 (August 23, 2017), Jacome v. Victoria's Secret, LLC, FCHR Order No. 16-030 (June 9, 2016), Wade v. District School Board of Putnam County, FCHR Order No. 15-008 (February 12, 2015), Demons v. Emerald Grande, LLC, FCHR Order No. 14-033 (September 10, 2014), Bullard v. Lowry Group Properties, Inc., et al., FCHR Order No. 13-011 (February 26, 2013), Goldenberg v. Department of Corrections, FCHR Order No. 12-051 (September 17, 2012), Dotson v. Department of Financial Services, FCHR Order No. 11-034 (April 13, 2011), Patterson v. Panama City Housing Authority, FCHR Order No. 11-001 (January 13, 2011), Crump v. The Majestic Tower at Bal Harbour, FCHR Order No. 10-072 (September 21, 2010), Bermudez v. Lake County Housing Authority, FCHR Order No. 10-041 (April 27, 2010), Cowden v. DiFiglio, et al., FCHR Order No. 09-115 (December 14, 2009), Scott v. Two Men and a Truck, FCHR Order No. 09-009 (January 27, 2009), Enzor v. Sandco, Inc., FCHR Order No. 08-048 (July 29, 2008), Rodriguez v. Center Point Health and Rehab, FCHR Order No. 08-001 (January 14, 2008), West v. Sembler Corporation, d/b/a Bay Walk, FCHR Order No. 07-037 (June 15, 2007), Martinez v. KJC Enterprises, d/b/a Plantation Island Resort, FCHR Order No. 07-028 (April 20, 2007), Chaney, et al. v. Robert Buckner & Associates, FCHR Order No. 06-092 (November 13, 2006), and Prek v. Workforce Central Florida, FCHR Order No. 06-079 (September 18, 2006).

We adopt the Administrative Law Judge's finding as to the nonappearance of Petitioner and conclude that Petitioner has failed to carry his burden of proof.

Exceptions

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

Dismissal

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

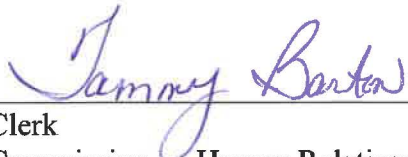
The parties have the right to seek judicial review of this Order. The Commission and the appropriate District Court of Appeal must receive notice of appeal within 30 days of the date this Order is filed with the Clerk of the Commission. Explanation of the right of appeal is found in

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

DONE AND ORDERED this 30 day of November, 2020.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Mario Garza, Panel Chairperson;
Commissioner Larry Hart; and
Commissioner Jay Pichard

Filed this 30 day of November, 2020,
in Tallahassee, Florida.



Clerk
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Suzanne Van Wyk, 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 30 day of November, 2020.

By: 
Clerk of the Commission
Florida Commission on Human Relations