

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

MARLENA SEENAUGHT,

EEOC Case No. 15D201900466

Petitioner,

FCHR Case No. 2019-18039

v.

DOAH Case No. 20-2539

MORTON PLANT HOSPITAL, BAYCARE,

FCHR Order No. 21-020

Respondent.

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

Preliminary Matters

On February 28, 2019, Petitioner Marlena Seenaught filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (2018), alleging that Respondent Morton Plant Hospital, Baycare, committed an unlawful employment practice against Petitioner on the bases of sex and retaliation.

The allegations set forth in the complaint were investigated, and, on April 29, 2020, the Executive Director issued a determination finding that there was no reasonable cause to believe that an unlawful employment practice had occurred.

On June 1, 2020, 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 17 and August 19, 2020, a final evidentiary hearing was held in via Zoom Conference before Administrative Law Judge Jodi-Ann V. Livingstone.

Judge Livingstone issued a Recommended Order, dated October 15, 2020.

Judge Livingstone issued an Amended Recommended Order dated October 19, 2020.

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

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

DONE AND ORDERED this 31 day of March, 2021.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Mario Garza, Panel Chairperson;
Commissioner Libby Farmer; and
Commissioner Larry Hart

Filed this 31 day of March, 2021,
in Tallahassee, Florida.

Tammy Barton

Clerk
Commission on Human Relations
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Copies furnished to:

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Jodi-Ann V. Livingstone, 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 31 day of March, 2021.

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