

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

VANESSA McKEVER,

EEOC Case No. 15D202000196

Petitioner,

FCHR Case No. 201921406

v.

DOAH Case No. 20-4561

WAL-MART STORES EAST, LP

FCHR Order No. 21-054

Respondent.
_____ /

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

Preliminary Matters

Petitioner filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (2019), alleging Respondent engaged in disability-based disparate treatment and retaliation.

A No Cause determination was issued. Petitioner opted to file a Petition for Relief from an Unlawful Employment Practice. The case was transmitted to the Division of Administrative Hearings for the conduct of a formal proceeding. An evidentiary hearing was held on March 11, 2021. Administrative Law Judge Garnett W. Chisenhall presided over the hearing.

Judge Chisenhall concluded that, assuming the establishment of an adverse employment action, the greater weight of the evidence did not establish Respondent treated employees outside Complainant's protected class more favorably. Judge Chisenhall also concluded the greater weight of the evidence did not establish Complainant's protected activity was causally connected to the assumed adverse employment action. Based on said conclusions, Judge Chisenhall issued a Recommended Order, dated June 8, 2021, 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

A transcript of the proceeding before the Administrative Law Judge was filed with the Commission. 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 of the parties filed exceptions to the Administrative Law Judge's Recommended Order.

Dismissal

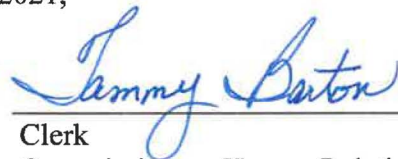
The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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 19 day of August, 2021.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Darrick McGhee, Panel Chairperson;
Commissioner Libby Farmer; and
Commissioner Angela Primiano

Filed this 19 day of August, 2021,
in Tallahassee, Florida.



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Commission on Human Relations
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Garnett W. Chisenhall, Administrative Law Judge, DOAH

John Scotese, Legal Advisor for Commission Panel

I HEREBY CERTIFY that a copy of the foregoing has been mailed to the above listed addressees this 19 day of August, 2021.

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