

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

MARIA D. MORCILLO,

Petitioner,

FCHR No. 202126266

v.

DOAH Case No. 21-0509

CITIBANK N.A./IPBCITI CITIGROUP
GLOBAL MARKETS, INC.

FCHR Order No. 21-045

Respondent.

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

Preliminary Matters

Petitioner, Maria D. Morcillo, 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, Citibank N.A./IPBCiti Citigroup Global Markets, Inc., discriminated against her on the bases of sex and age.

The allegations set forth in the complaint were investigated, and, on January 8, 2021, the Executive Director issued a determination finding that there was no reasonable cause to believe that an unlawful employment practice had occurred.

Petitioner filed a Petition for Relief from a Discriminatory Employment Practice, and the case was transmitted to the Division of Administrative Hearings for the conduct of a formal proceeding.

Prior to a hearing, Administrative Law Judge Robert S. Cohen entered an Order to Show Cause on March 19, 2021, in response to [Respondent's] Motion to Compel Arbitration and Dismiss, or Alternatively to Stay, with Incorporated Memorandum of Law. Following his review of the response and reply filed by the parties, Judge Cohen found that Petitioner had acknowledged the receipt and understanding of Respondent's Arbitration Policy requiring mandatory arbitration of employment matters.

Judge Cohen issued an Amended Order Closing Files and Relinquishing Jurisdiction, dated April 23, 2021.

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

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

The validity of the mandatory arbitration policy/agreement is not a conclusion of law within the substantive jurisdiction of the Commission.

Exceptions

Neither of the parties filed exceptions to the Administrative Law Judge's Amended Order Closing Files and Relinquishing Jurisdiction.

Dismissal

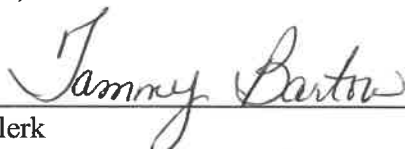
The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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 21 day of July, 2021.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

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

Filed this 21 day of July, 2021,
in Tallahassee, Florida.



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Robert S. Cohen, 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 21 day of July, 2021.

By: Tommy Barton
Clerk of the Commission
Florida Commission on Human Relations