

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

JENNIFER L. LANDRESS,

FCHR Case No. 2021-26741

Petitioner,

DOAH Case No. 21-1408

v.

FCHR Order No. 22-019

FORT WALTON BEACH MEDICAL
CENTER,

Respondent.

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

Preliminary Matters

Jennifer L. Landress, Petitioner, filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (2019), alleging that Fort Walton Beach Medical Center, Respondent, committed unlawful employment practices on the bases of Petitioner's disability and gender and on the basis of retaliation.

The allegations set forth in the complaint were investigated, and, on March 26, 2021, the Executive Director issued a "Determination: No Reasonable Cause".

On April 26, 2021, 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 2, 2021, a final hearing was conducted before Administrative Law Judge Robert J. Telfer III, via Zoom conference.

Judge Telfer issued a Recommended Order of Dismissal, dated December 29, 2021, recommending dismissal of the Petitioner's 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

We find that the Administrative Law Judge's findings of fact are supported by competent and substantial evidence. We adopt the Administrative Law Judge's findings of facts.

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. Accordingly, we adopt the Administrative Law Judge's conclusions of law.

Exceptions

On January 6, 2022, Petitioner filed exceptions to the Recommended Order of Dismissal. The document essentially contains arguments in support of Petitioner's contentions without identifying the disputed portions of the Recommended Order by page number or paragraph.

The Administrative Procedure Act states that, "The final order shall include an explicit ruling on each exception, but an agency need not rule on an exception that does not clearly identify the disputed portion of the recommended order by page number or paragraph, that does not identify the legal basis for the exception, or that does not include appropriate and specific citations to the record." Section 120.57(1)(k), Florida Statutes (2021); see, also Taylor v. Universal Studios, FCHR Order No 14-007 (March 26, 2014), McNeil v. HealthPort Technologies, FCHR Order No. 12-026 (June 27, 2012), and Bartolone v. Best Western Hotels, FCHR Order No. 07-045 (August 24, 2007).

Petitioner's documents do not identify the disputed portion of the Recommended Order by page number or paragraph and did not identify the legal basis for the exceptions with appropriate and specific citations to the record. Therefore, Petitioner's exceptions are rejected.

Dismissal

The Petition for Relief and Employment Discrimination Complaint 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 24 day of February, 2022.

FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Darrick McGhee, Panel Chairperson;
Commissioner Kenyetta Moyé, and
Commissioner Vivian Myrtetus

Filed this 24 day of February, 2022, in Tallahassee, Florida.

Tammy Barton

Clerk

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Copies furnished to:

FCHR Order No. 22-019

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Robert J. Telfer III, 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 24 day of February, 2022.

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