STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

RONALD JONES,

Petitioner,

vs. Case No. 21-1492

JAMES A. SHANKS MIDDLE SCHOOL,

Respondent.
_____/

RONALD JONES,

Petitioner,

vs. Case No. 21-1493

HAVANA MAGNET SCHOOL,

Respondent.
_____/

RONALD JONES,

Petitioner,

vs. Case No. 21-1496

CARTER-PARRAMORE ACADEMY,

Respondent.
_____/

RECOMMENDED ORDER

Pursuant to notice, a final hearing was conducted in these cases on August 17, 2021, via Zoom teleconference, before Lawrence P. Stevenson, a duly-designated Administrative Law Judge ("ALJ") of the Division of Administrative Hearings ("DOAH").

APPEARANCES

For Petitioner: Ronald David Jones, pro se
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Quincy, Florida 32351

For Respondents: William Breen Armistead, Esquire
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STATEMENT OF THE ISSUES

The issues are whether Respondents, James A. Shanks Middle School, Havana Magnet School, and/or Carter-Parramore Academy, subjected Petitioner to discrimination on the basis of his age, sex, or race, in violation of section 760.10, Florida Statutes,[1] and/or whether Respondent retaliated against Petitioner for the exercise of protected rights under section 760.10.

PRELIMINARY STATEMENT

On October 28, 2020, Petitioner, Ronald D. Jones ("Mr. Jones" or "Petitioner"), filed with the Florida Commission on Human Relations (the "FCHR") an Employment Complaint of Discrimination against each of three schools in the Gadsden County School District ("School District"): James A. Shanks Middle School; Havana Magnet School; and Carter-Parramore Academy. The Employment Complaint of Discrimination against James A. Shanks Middle School stated as follows:

> I believe I have been discriminated against based on my race (Black), Sex (male), and age (over 40). I also believe I am being retaliated against for filing a complaint with the Florida Commission on Human Relations. I have been working within the

[1] Citations shall be to Florida Statutes (2020) unless otherwise specified. Section 760.10 has been unchanged since 1992, save for a 2015 amendment adding pregnancy to the list of classifications protected from discriminatory employment practices. Ch. 2015-68, § 6, Laws of Fla.

> Gadsden County School system since January 2008 as a substitute teacher and have teaching experience. Around or in October 2020, I applied for a Social Studies position at James A. Shanks Middle School but was not offered an interview by Principal Maurice [Stokes].

The Employment Complaint of Discrimination against Havana Magnet School stated as follows:

> I believe I have been discriminated against based on my race (Black), Sex (male), and age (over 40). I also believe I am being retaliated against for filing a complaint with the Florida Commission on Human Relations. I have been working within the Gadsden County School system since January 2008 as a substitute teacher and have teaching experience. Around or in January 2020, I applied for a Social Studies position at Havana Magnet School but was not offered an interview by Principal Parish Williams.

The Employment Complaint of Discrimination against Carter-Parramore Academy stated as follows:

> I believe I have been discriminated against based on my race (Black), Sex (male), and age (over 40). I also believe I am being retaliated against for filing a complaint with the Florida Commission on Human Relations. I have been working within the Gadsden County School system since January 2008 as a substitute teacher and have teaching experience. Around or in January 2020, I applied for a Social Studies/History position but was not offered an interview by Principal Willie Jackson.

The FCHR conducted an investigation into all of Mr. Jones's allegations. On April 19, 2021, the FCHR issued a written determination in each of the three cases that there was no reasonable cause to believe that an unlawful practice occurred.

On April 29, 2021, Mr. Jones timely filed a Petition for Relief in each of the three cases with the FCHR. On May 6, 2021, the FCHR referred the cases to DOAH for the assignment of an ALJ and the conduct of formal hearings. On May 12, 2021, Respondents filed a motion to consolidate the three cases, which was granted by Order dated May 17, 2021.

The final hearing was scheduled for July 21, 2021, and was convened on that date. However, no court reporter was available at the date and time of the hearing. The hearing was rescheduled for August 17, 2021, on which date it was convened and completed.

At the hearing, Mr. Jones testified on his own behalf. Mr. Jones's Exhibits 1 through 20 were admitted into evidence.

The School District presented the testimony of Major Willie Jackson, Principal of Carter-Parramore Academy; Sonya Jackson, Human Resources Director for the School District; Parish Williams, Principal of Havana Magnet School at the time relevant to this hearing; and Maurice Stokes, Principal of James A. Shanks Middle School, at the time relevant to this proceeding. The School District's Exhibits 1 through 9 were admitted into evidence.

The one-volume Transcript of the final hearing was filed with DOAH on October 1, 2021. Respondents timely filed their consolidated Proposed Recommended Order on October 8, 2021. Mr. Jones filed his Proposed Recommended Order on October 13, 2021, outside the ten-day period allotted for the submission of proposed orders under Florida Administrative Code Rule 28-106.216(2). Respondents did not object to the late filing and Petitioner's Proposed Recommended Order has therefore been considered in the preparation of this Recommended Order.

FINDINGS OF FACT

Based on the evidence adduced at hearing, and the record as a whole, the following Findings of Fact are made:

1. The Gadsden County School District is an employer as that term is defined in section 760.02(7). It is the governing body responsible for the administration of public schools in Gadsden County and is therefore treated as a Respondent in this proceeding, though unnamed by Petitioner.

2. James A. Shanks Middle School, a public school of Gadsden County, is an employer as that term is defined in section 760.02(7).

3. Havana Magnet School, a public school in Gadsden County, is an employer as that term is defined in section 760.02(7).

4. Carter-Parramore Academy, a public school in Gadsden County, is an employer as that term is defined in section 760.02(7).

5. Mr. Jones, who was 63 years old at the time of the hearing, is a black male.

6. Mr. Jones's complaint is that he applied for open teaching positions in January 2020 at two Gadsden County public schools, applied for a third position in October 2020, and did not receive an interview for any of the positions. Mr. Jones alleges that the failure to interview him constituted discrimination on the basis of race, sex, and/or age.

7. Mr. Jones has worked in the recent past as a substitute teacher for the School District. The record established that Mr. Jones was eligible for a temporary teaching and professional teaching certificate for social sciences from October 12, 2017, through October 12, 2020. Mr. Jones was not eligible for certificates in other educational areas.

8. Mr. Jones testified, and the School District did not dispute, that he has applied for "hundreds" of positions with the School Board over the years. These applications were mostly for teaching positions but also included a range of jobs from bus driver to deputy superintendent.

9. Mr. Jones has filed two discrimination complaints against the School District prior to the instant cases that resulted in DOAH Recommended Orders. In the most recent case, *Jones v. Gadsden County School Board*, Case No. 20-4489, 2021 WL 1256500 (Fla. DOAH Mar. 30, 2021), ALJ James H. Peterson III found that the School District's internal application system had labeled Mr. Jones as "ineligible" for employment, and that Mr. Jones had therefore been summarily excluded from the pool of candidates for several positions with the School District. The School District explained that Mr. Jones stated on his application that he had a criminal record, which triggered an automatic "ineligible" notification on the School District's internal employment application system.

10. ALJ Peterson went on to find that the evidence established that Mr. Jones had been cleared by the Department of Education and that he had, in fact, been eligible for employment by the School District. ALJ Peterson found that the School District's employment application system erroneously labeled Mr. Jones as ineligible for employment, but that this error was a simple mistake and not evidence of unlawful discrimination or retaliation. In a Recommended Order entered on March 30, 2021, ALJ Peterson recommended that the FCHR enter a Final Order dismissing Mr. Jones's petition for failure to provide evidence of discrimination.

11. The hearing in DOAH Case No. 20-4489 was completed on December 16, 2020. After the hearing made it aware of its error, and well before ALJ Peterson issued his Recommended Order, the School District corrected the error and manually removed the "ineligible" designation from Mr. Jones's employment application. In an email dated January 27, 2021, counsel for the School District advised Mr. Jones his application status had been changed from "ineligible" to "complete" and that his criminal history would no longer prevent him from applying for employment with the School District.

12. As to the applications at issue in these consolidated cases, Mr. Jones applied for social studies teaching positions at Carter-Parramore Academy and James A. Shanks Middle School in January 2020, and applied for a social studies teaching position at Havana Magnet School in October 2020. These applications were all made before the School District had corrected Mr. Jones's application status in light of the hearing before ALJ Peterson. On each of these applications, Mr. Jones did not receive an interview because the School District's employment application system showed him as "ineligible."

13. Major Willie Jackson, a 58-year-old black male, has been the principal at Carter-Parramore Academy for three years. Mr. Jackson testified that Mr. Jones had worked for him at James A. Shanks Middle School about five years ago as a one-on-one assistant for an exceptional education student, but that Mr. Jones had been hired by the school's Exceptional Student Education department, not by him. Mr. Jackson recalled interviewing Mr. Jones for another position at James A. Shanks Middle School but could not recall whom he ultimately hired.

14. Mr. Jackson testified that he did not interview Mr. Jones for the social studies teaching position at Carter-Parramore Academy in January 2020 because the School District's application system showed that Mr. Jones was ineligible for employment. Mr. Jackson stated that he would have interviewed Mr. Jones but for the erroneous statement as to his eligibility. Mr. Jackson ultimately hired John Leprell, a white male in his early forties. Mr. Jackson testified that he had no knowledge of any prior FCHR complaints that Mr. Jones had made.

15. Mr. Jackson credibly testified that none of his decisions was based on Mr. Jones's age, race, or sex, or in retaliation for engaging in protected activity.

16. Parish Williams, a black male over the age of 40, was the principal at Havana Magnet School in January 2020. He testified that he did not know Mr. Jones and did not know his age or race before the hearing in the instant

cases. Mr. Williams also testified that he was unaware of any FCHR or other complaints that Mr. Jones had made against the School District.

17. Mr. Williams testified that he did not interview Mr. Jones for the open social studies teaching position at Havana Magnet School because the School District's application system indicated that Mr. Jones was ineligible. Mr. Williams stated that he would probably have interviewed Mr. Jones had he not been flagged as ineligible. Mr. Williams ultimately hired Patrice Monroe, a black female, for the position.

18. Mr. Williams credibly testified that his decision on the job position was not based on Mr. Jones's race, age, or sex, or in retaliation for engaging in protected activity.

19. Maurice Stokes, a black male over the age of 40, was principal at James A. Shanks Middle School when Mr. Jones applied for a social studies teaching position in October 2020. Mr. Stokes stated that he did not know Mr. Jones personally but had seen him before. Mr. Stokes could not recall whether Mr. Jones had applied for the position, but he knew that he did not interview Mr. Jones. Mr. Stokes testified that he would not interview Mr. Jones or any other candidate who was listed as "ineligible" on the School District's employment application system. Mr. Stokes hired Ken Hubbard, a 60-year-old black male, for the social studies position.

20. Mr. Stokes testified that he hired Mr. Hubbard because he was the best social studies candidate available. Mr. Stokes had no knowledge of any FCHR complaints that Mr. Jones had made against the School District. Mr. Stokes credibly testified that his decision was not based on Mr. Jones's race, age, or sex, or in retaliation for engaging in protected activity.

21. Sonya Jackson, Human Resources Director for the School District, testified about the process by which the School District corrected Mr. Jones's information in its database. She testified that Mr. Jones has continued to make applications since the "ineligible" status was removed from his record. Ms. Jackson stated that Mr. Jones was called for an interview on a

maintenance supervisor position for which he had applied, but that he turned down the interview.

22. Mr. Jones testified at length but provided no evidence that the School District or any of its personnel had discriminated against him based on his race, age, or sex, or that anyone retaliated against him for exercising his right to file complaints of discrimination with the FCHR. Mr. Jones claimed that in 2008 the School District dismissed him from a teaching job in a manner disallowed by statute,[2] and that it has spent the last 13 years covering its tracks by placing false records in his employment file. He complained that the School District only hires women for teaching positions, though two of the three jobs he applied for in these cases were eventually filled by men.

23. Mr. Jones appears to assume that when someone of a different race, age, or sex is hired for a job that he seeks, the result is due to discrimination against him. If the person hired is a woman, then Mr. Jones was discriminated against based on sex. If the person hired is younger, then it is age discrimination. Mr. Jones had no real answer when confronted with the hiring of Mr. Hubbard, a 60-year-old back male, at James A. Shanks Middle School. He also could not explain away the fact that the hiring decision in each of the three cases was made by a principal who was black, male, and over 40 years of age.

24. Mr. Jones provided no evidence that any of the decisions not to interview him were causally linked to protected activity. Mr. Jones established that he is prolifically litigious but failed to establish that his activities are as well known in the community as he believes. Each of the principals credibly testified that they were unaware that Mr. Jones had engaged in protected activity.

[2] Mr. Jones never provided a citation to the law he claimed the School District violated by dismissing him.

25. In summary, Mr. Jones offered insufficient evidence that he was discriminated against based on his race, age, or sex. Mr. Jones also offered insufficient evidence that he was subjected to unlawful retaliation.

26. Mr. Jones offered no credible evidence disputing the non-discriminatory reason given by the School District for its failures to interview him for the three positions at issue.

27. Mr. Jones offered no credible evidence that the School District's stated reason for not hiring him was a pretext for discrimination based on his age, race, or sex.

CONCLUSIONS OF LAW

28. The Division of Administrative Hearings has jurisdiction of the subject matter and the parties to this proceeding. §§ 120.569, 120.57(1), and 760.11(7), Fla. Stat.

29. The Florida Civil Rights Act of 1992 (the "Florida Civil Rights Act" or the "FCRA"), chapter 760, prohibits discrimination in the workplace. The FCRA is modeled after Title VII of the Civil Rights Acts of 1964 and 1991, 42 U.S.C. § 2000, *et seq*. ("Title VII"), so that federal case law regarding Title VII is applicable to construe the FCRA. *See Castleberry v. Edward M. Chadbourne, Inc.*, 810 So. 2d 1028, 1030 (Fla. 1st DCA 2002).

30. Section 760.10 states the following, in relevant part:

> (1) It is an unlawful employment practice for an employer:
>
> (a) To discharge or to fail or refuse to hire any individual, or otherwise to discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, national origin, age, handicap, or marital status.
>
> * * *

> (7) It is an unlawful employment practice for an employer, an employment agency, a joint labor-management committee, or a labor organization to discriminate against any person because that person has opposed any practice which is an unlawful employment practice under this section, or because that person has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this section.

31. The School District and each of the three schools to which Mr. Jones submitted an application is an "employer" as defined in section 760.02(7), which provides the following:

> (7) "Employer" means any person employing 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such a person.

32. Florida courts have determined that federal case law applies to claims arising under the Florida Civil Rights Act, and as such, the United States Supreme Court's model for employment discrimination cases set forth in *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 93 S. Ct. 1817, 36 L. Ed. 2d 668 (1973), applies to claims arising under section 760.10, absent direct evidence of discrimination. *See Harper v. Blockbuster Entm't Corp.*, 139 F.3d 1385, 1387 (11th Cir. 1998); *Paraohao v. Bankers Club, Inc.*, 225 F. Supp. 2d 1353, 1361 (S.D. Fla. 2002); *Fla. State Univ. v. Sondel*, 685 So. 2d 923, 925 n.1 (Fla. 1st DCA 1996); *Fla. Dep't of Cmty. Aff. v. Bryant*, 586 So. 2d 1205 (Fla. 1st DCA 1991).

33. "Direct evidence is 'evidence, which if believed, proves existence of fact in issue without inference or presumption.'" *Rollins v. TechSouth, Inc.*, 833 F.2d 1525, 1528 n.6 (11th Cir. 1987)(quoting *Black's Law Dictionary* 413 (5th ed. 1979)). In *Carter v. City of Miami*, 870 F.2d 578, 582 (11th Cir. 1989), the court stated:

> This Court has held that not every comment concerning a person's age presents direct evidence of discrimination. [*Young v. Gen. Foods Corp*., 840 F.2d 825, 829 (11th Cir. 1988)]. The *Young* Court made clear that remarks merely referring to characteristics associated with increasing age, or facially neutral comments from which a plaintiff has inferred discriminatory intent, are not directly probative of discrimination. *Id*. Rather, courts have found only the most blatant remarks, whose intent could be nothing other than to discriminate on the basis of age, to constitute direct evidence of discrimination.

34. Petitioner offered no evidence that would satisfy the stringent standard of direct evidence of discrimination.

35. Under the *McDonnell* analysis, in employment discrimination cases, Petitioner has the burden of establishing, by a preponderance of evidence, a prima facie case of unlawful discrimination. If the prima facie case is established, the burden shifts to the employer to rebut this preliminary showing by producing evidence that the adverse action was taken for some legitimate, non-discriminatory reason. If the employer rebuts the prima facie case, the burden shifts back to Petitioner to show by a preponderance of evidence that the employer's offered reasons for its adverse employment decision were pretextual. *See Texas Dep't of Cmty. Aff. v. Burdine*, 450 U.S. 248, 101 S. Ct. 1089, 67 L. Ed. 2d 207 (1981).

36. In order to prove a prima facie case of unlawful employment discrimination under chapter 760, Petitioner must establish that: (1) he is a member of the protected group; (2) he was subject to adverse employment action; (3) the School District treated similarly situated employees outside of his protected classifications more favorably; and (4) Petitioner was qualified to do the job and/or was performing his job at a level that met the employer's legitimate expectations. *See*, *e.g*., *Jiles v.United Parcel Serv*., *Inc*., 360 Fed. Appx. 61, 64 (11th Cir. 2010); *Burke-Fowler v. Orange Cnty*, 447 F.3d 1319,

1323 (11th Cir. 2006); *Knight v. Baptist Hosp. of Miami, Inc.*, 330 F.3d 1313, 1316 (11th Cir. 2003); *Williams v. Vitro Servs. Corp.*, 144 F.3d 1438, 1441 (11th Cir. 1998); *McKenzie v. EAP Mgmt. Corp.*, 40 F. Supp. 2d 1369, 1374-75 (S.D. Fla. 1999).

37. Petitioner has failed to prove a prima facie case of unlawful employment discrimination.

38. Petitioner is a black male over the age of 40 and is therefore a member of a protected group.

39. Petitioner applied for three social studies teaching positions with the School District and was not interviewed for any of them due to an error in the information contained in the School District's application system. Petitioner was therefore subject to an adverse employment action.

40. Petitioner was eligible to receive a temporary teaching and professional teaching certificate for social sciences, grades 6 through 12, during the period relevant to this proceeding. Therefore, Petitioner was qualified to perform the jobs for which he applied.

41. As to the question of disparate treatment, the applicable standard was recently revised in *Lewis v. City of Union City, Ga.*, 918 F.3d 1213, 1218 (11th Cir. 2019): "[A] plaintiff asserting an intentional-discrimination claim under *McDonnell-Douglas* must demonstrate that she and her proffered comparators were 'similarly situated in all material aspects.'"

42. State courts in Florida have found that a person suffers "disparate treatment" in his or her employment, in violation of Title VII—and, by extension, the FCRA—when he or she is singled out and treated less favorably, on the basis of his or her status as a member of a protected class, than other employees who are otherwise similarly situated in all relevant respects. *Johnson v. Great Expressions Dental Ctrs. of Fla., P.A.,* 132 So. 3d 1174, 1176 (Fla. 3d DCA 2014); *Valenzuela v. Globeground N. Am., LLC*, 18 So. 3d 17, 23 (Fla. 3d DCA 2009).

43. Petitioner offered no evidence as to disparate treatment of similarly situated employees outside of his protected classification, aside from the mere fact that each employee hired by the School District did not exactly match his age, race, or sex. Discriminatory intent may be proved by inference, but a trier of fact "cannot infer discrimination from thin air." *Lizardo v. Denny's, Inc*., 270 F.3d 94, 104 (2d Cir. 2001)(citing *Norton v. Sam's Club*, 145 F.3d 114, 119 (2d Cir.1998)). Mere speculation or self-serving belief on the part of a complainant concerning motives of a respondent is insufficient, standing alone, to establish a prima facie case of intentional discrimination. *See Lizardo*, 270 F.3d at 104. ("Plaintiffs have done little more than cite to their mistreatment and ask the court to conclude that it must have been related to their race. This is not sufficient."). *See also Norton*, 145 F.3d at 120 (anti-discrimination law "does not make employers liable for doing stupid or even wicked things; it makes them liable for *discriminating*….").

44. There was in fact no disparate treatment in these cases, merely an acknowledged error in the application system. The School District was not yet aware of the error when Petitioner applied for the jobs at issue in this proceeding. Having failed to establish the disparate treatment element, Petitioner has not established a prima facie case of employment discrimination. "Failure to establish a prima facie case of ... discrimination ends the inquiry." *Ratliff v. State*, 666 So. 2d, 1008, 1013 n.6 (Fla. 1st DCA 1996) (citations omitted).

45. Even if Petitioner were deemed to have submitted sufficient evidence to show a prima face case of unlawful discrimination, credible and unrebutted testimony by the three principals showed that the School District's reason for not interviewing Petitioner for a social studies teaching position was based on the mistaken ineligibility designation. The evidence was insufficient to show that the School District's reason was a mere pretext for discrimination.

46. Petitioner cannot prove pretext by a mere showing that the School District made a mistake in failing to interview him. In a proceeding under

the FCRA, the court is "not in the business of adjudging whether employment decisions are prudent or fair. Instead, [the court's] sole concern is whether unlawful discriminatory animus motivates a challenged employment decision." *Damon v. Fleming Supermarkets of Fla., Inc.*, 196 F.3d 1354, 1361 (11th Cir. 1999). A court's role is not to sit as a "super-personnel department" to re-examine a company's business decisions. The court does not ask whether the employer selected the most qualified candidate, but whether the selection was based on an unlawful motive. *Denney v. City of Albany*, 247 F.3d 1172, 1188 (11th Cir. 2001). Petitioner failed to establish that the School District acted with an unlawful motive.

47. As to Petitioner's retaliation claim, the court in *Blizzard v. Appliance Direct, Inc.*, 16 So. 3d 922, 926 (Fla. 5th DCA 2009), described the elements of such a claim as follows:

> To establish a prima facie case of retaliation under section 760.10(7), a plaintiff must demonstrate: (1) that he or she engaged in statutorily protected activity; (2) that he or she suffered adverse employment action and (3) that the adverse employment action was causally related to the protected activity. See *Harper v. Blockbuster Entm't Corp.*, 139 F.3d 1385, 1388 (11th Cir.), cert. denied 525 U.S. 1000, 119 S. Ct. 509, 142 L. Ed.2d 422 (1998). Once the plaintiff makes a prima facie showing, the burden shifts and the defendant must articulate a legitimate, nondiscriminatory reason for the adverse employment action. *Wells v. Colorado Dep't of Transp.*, 325 F.3d 1205, 1212 (10th Cir. 2003). The plaintiff must then respond by demonstrating that defendant's asserted reasons for the adverse action are pretextual. *Id.*

48. Petitioner made no evidentiary showing that any employment action by the School District was causally related to any statutorily protected activity he took while an employee. Petitioner has filed several discrimination complaints against the School District and its personnel. Petitioner plainly believes that these complaints have made him notorious among School

District personnel, but the three principals who testified were uniformly unaware of the complaints and only casually acquainted with Petitioner himself.

49. The courts recognize a "common sense" requirement that "[a] decision maker cannot have been motivated to retaliate by something unknown to him." *Brungart v. BellSouth Telecomms., Inc.*, 231 F.3d 791, 799 (11th Cir. 2000).[3] "[T]emporal proximity alone is insufficient to create a genuine issue of fact as to causal connection where there is unrebutted evidence that the decision maker did not have knowledge that the employee engaged in protected conduct." *Corbitt v. Home Depot U.S.A., Inc.*, 589 F.3d 1136 (11th Cir. 2009)(quoting *Brungart*, 231 F.3d at 799). Petitioner's unsupported assertions of retaliation were unsupported by credible evidence.

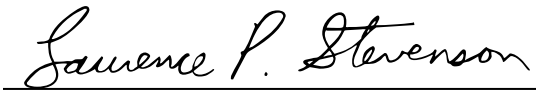
50. In conclusion, Mr. Jones failed to present a prima facie case of discrimination based on age, race, or sex, and failed to show that his failure to obtain an employment interview was in retaliation for his exercise of protected activity.

RECOMMENDATION

Based upon the foregoing Findings of Fact and Conclusions of Law, it is RECOMMENDED that the Florida Commission on Human Relations issue a final order finding that neither James A. Shanks Middle School, Havana Magnet School, nor Carter-Parramore Academy committed an unlawful employment practice, and dismissing the Petition for Relief filed in this case.

[3] *Brungart* was decided under the Family and Medical Leave Act, but its reasoning as to the element of retaliation has been repeatedly applied in cases involving Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq*. *See e.g., Mitchell v. Mercedes-Benz U.S. Int'l, Inc.*, 637 Fed. Appx. 535, 539 (11th Cir. 2015); and *Willis v. Publix Super Mkts., Inc.*, 619 Fed. Appx. 960, 962 (11th Cir. 2015).

DONE AND ENTERED this 26th day of October, 2021, in Tallahassee, Leon County, Florida.



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Filed with the Clerk of the
Division of Administrative Hearings
this 26th day of October, 2021.

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NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the Final Order in this case.