

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

SONGA CLARK,

EEOC No. 15D202000262

Petitioner,

FCHR No. 201921587

v.

DOAH No. 21-1622

MANAGEMENT & TRAINING CORPORATION,

FCHR Order No. 21-067

Respondent.

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**FINAL ORDER DISMISSING PETITION FOR  
RELIEF FROM A DISCRIMINATORY EMPLOYMENT PRACTICE**

This matter is before the Commission for consideration of the Recommended order, dated July 27, 2021, issued in the above-styled matter by Administrative Law Judge Yolonda Y. Green.

Preliminary Matters

On October 22, 2019, Petitioner, Songa Clark, filed an employment discrimination complaint pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (2019), alleging that Respondent, Management & Training Corporation, committed unlawful discriminatory employment actions.

The allegations set forth in the complaint were investigated, and, on April 12, 2021, the Executive Director issued a determination finding that there was no reasonable cause to believe that a discriminatory employment practice had occurred.

On May 14, 2021, 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.

A final evidentiary hearing took place on July 19, 2021, before Administrative Law Judge Yolanda Y. Green via Zoom conference.

On July 27, 2021, Judge Green issued a Recommended Order, which would result in a dismissal of 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 and Conclusions of Law

Judge Green's order reflects that Petitioner failed to appear at the scheduled administrative hearing in the case. Petitioner was not represented by counsel.

Commission panels have concluded that when a Petitioner fails to appear at the scheduled administrative hearing in their case, they fail to meet their burden of proof, and the Petition for Relief should be dismissed. See, e.g., Sushkova v. Marco Destin, Inc., FCHR Order No. 17-083 (November 2, 2017), Santana v. Charter Communications, Inc., FCHR Order No. 17-067 (August 23, 2017), Jacome v. Victoria's Secret, LLC, FCHR Order No. 16-030 (June 9, 2016), Wade v. District School Board of Putnam County, FCHR Order No. 15-008 (February 12, 2015), Demons v. Emerald Grande, LLC, FCHR Order No. 14-033 (September 10, 2014), Bullard v. Lowry Group Properties, Inc., et al., FCHR Order No. 13-011 (February 26, 2013), Goldenberg v. Department of Corrections, FCHR Order No. 12-051 (September 17, 2012), Dotson v. Department of Financial Services, FCHR Order No. 11-034 (April 13, 2011), Patterson v. Panama City Housing Authority, FCHR Order No. 11-001 (January 13, 2011), Crump v. The Majestic Tower at Bal Harbour, FCHR Order No. 10-072 (September 21, 2010), Bermudez v. Lake County Housing Authority, FCHR Order No. 10-041 (April 27, 2010), Cowden v. Difulio, et al., FCHR Order No. 09-115 (December 14, 2009), Scott v. Two Men and a Truck, FCHR Order No. 09-009 (January 27, 2009), Enzor v. Sandco, Inc., FCHR Order No. 08-048 (July 29, 2008), Rodriguez v. Center Point Health and Rehab, FCHR Order No. 08-001 (January 14, 2008), West v. Sembler Corporation, d/b/a Bay Walk, FCHR Order No. 07-037 (June 15, 2007), Martinez v. KJC Enterprises, d/b/a Plantation Island Resort, FCHR Order No. 07-028 (April 20, 2007), Chaney, et al. v. Robert Buckner & Associates, FCHR Order No. 06-092 (November 13, 2006), and Prek v. Workforce Central Florida, FCHR Order No. 06-079 (September 18, 2006).

Paragraph #6 of the recommended order omits the fact that the complaint alleged discrimination also on the bases of color, gender, age, and retaliation, in addition to religion. However, even with this omission, we still 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 finding as to the nonappearance of Petitioner and conclude that Petitioner has failed to carry her burden of proof.

#### Exceptions

Neither party filed exceptions to the Administrative Law Judge's Recommended Order.

#### Dismissal

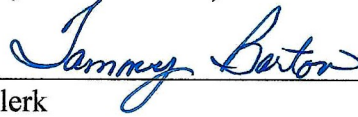
The Petition for Relief and Employment Discrimination Complaint are DISMISSED with prejudice.

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 30 day of Sept., 2021.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Darrick McGhee, Panel Chairperson;  
Commissioner Jay Pichard; and  
Commissioner Angela Primiano

Filed this 30 day of Sept., 2021, in Tallahassee, Florida.



Clerk

Commission on Human Relations  
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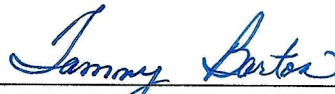
Management & Training Corporation,  
c/o Katherine Brezinski, Esq.  
c/o Lindsey Swiger, Esq.  
Jackson Lewis, P.C.  
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Yolonda Y. Green, Administrative Law Judge, DOAH

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 30 day of Sept., 2021.

By:



Clerk of the Commission

Florida Commission on Human Relations