

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

KIRK E. HAYWORTH,

EEOC No. 15D202000228

Petitioner,

FCHR No. 201921646

v.

DOAH Case No. 21-1805

CITIGROUP,

FCHR Order No. 21-062

Respondent.

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

Preliminary Matters

Petitioner, Kirk E. Hayworth, filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (2018), alleging that Respondent, Citigroup, discriminated against him on the basis of disability and retaliated against him.

The allegations set forth in the complaint were investigated, and, on May 4, 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 Lynne A. Quimby-Pennock entered an Order to Show Cause on June 23, 2021, in response to [Respondent's] Motion to Compel Arbitration and Dismiss, or Alternatively to Stay With Incorporated Memorandum of Law.

On July 2, 2021, following the review of the response and replies filed by the parties, Judge Quimby-Pennock issued an order in which she found that "the representations made in the motions, attachments, responses, and oral presentations provide that arbitration, which was agreed to between the parties when employment was secured" was applicable to the case. The order further relinquished jurisdiction to the Florida Commission on Human Relations for the entry of final order by the Commission dismissing the Petition for Relief that would enable the parties to proceed to mandatory arbitration.

The Commission panel designated below considered the record of this matter and determined the action to be taken on Judge Quimby-Pennock's order issued on July 2, 2021.

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 order issued on July 2, 2021.

Dismissal

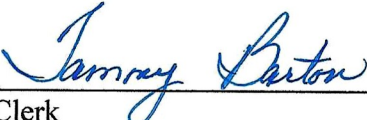
The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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 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.

  
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Clerk  
Commission on Human Relations  
4075 Esplanade Way, Room 110  
Tallahassee, FL 32399  
(850) 488-7082

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Copies furnished to:

Kirk E. Hayworth  
8707 Cobbler Place  
Tampa, Florida 33615

Citigroup  
c/o Stephanie L. Adler-Paindiris, Esquire  
and Madonna M. Snowden, Esquire  
Jackson Lewis P.C.  
390 North Orange Avenue, Suite 1285  
Orlando, Florida 32801

Lynne A. Quimby-Pennock, 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: Tammy Bartow  
Clerk of the Commission  
Florida Commission on Human Relations