

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

ESTHER NUNES DE SOUZA DE LIMA,

EEOC No. 15D202100309

Petitioner,

FCHR No. 202127936

v.

DOAH No. 21-2631

ADVENT HEALTH HOSPITAL,

FCHR Order No. 21-087

Respondent.

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

This matter is before the Consideration of the Amended Recommended Order of Dismissal, dated October 21, 2021, issued in the above-styled matter by Administrative Law Judge Hetal Desai.

Preliminary Matters

On February 12, 2021, Esther Nunes De Souza De Lima, Petitioner, filed an employment discrimination complaint pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (2020), alleging that Advent Health Hospital, Respondent, committed unlawful discriminatory employment practices against her on the bases of religion and retaliation.

The allegations set forth in the complaint were investigated, and, on August 11, 2021, the Executive Director issued a determination finding that there was no reasonable cause to find that a discriminatory employment practice had occurred.

On August 31, 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.

On October 6, 2021, a hearing was held on Respondent's Motion to Dismiss Petition for Relief, before Judge Desai.

On October 21, 2021, Judge Desai issued a Recommended Order of Dismissal 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

A transcript of the hearing on Respondent's Motion to Dismiss Petition for Relief that was held before the Administrative Law Judge was not filed with the Commission. In the absence of a transcript of the proceeding before the Administrative Law Judge, the Amended

Recommended Order is the only evidence for the Commission to consider. See National Industries, Inc. v. Commission on Human Relations, et al., 527 So. 2d 894, at 897, 898 (Fla. 5th DCA 1988). Accord, Troshkin v. State of Florida, Department of Health, Duval County Department of Health, FCHR Order No. 20-008 (November 30, 2020), Coleman v. Daytona Beach, Ocean Center Parking Garage, FCHR Order No. 14-034 (September 10, 2014), Gantz, et al. v. Zion's Hope, Inc., d/b/a Holy Land Experience, FCHR Order No. 11-048 (June 6, 2011), and Hall v. Villages of West Oaks HOA, FCHR Order No. 08-007 (January 14, 2008). 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

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

Dismissal

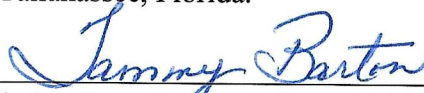
The Petition for Relief and Employment Discrimination Complaint are DISMISSED with prejudice.

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 16 day of December, 2021.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Darrick McGhee, Panel Chairperson;
Commissioner Mario Garza; and
Commissioner Kenyetta Moye.

Filed this 16 day of December, 2021, in Tallahassee, Florida.


Clerk, Commission on Human Relations
4075 Esplanade Way, Room 110
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Copies furnished to:

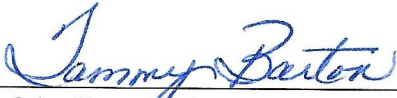
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Hetal Desai, Administrative Law Judge, DOAH

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 16 day of December, 2021.

By: 
Clerk of the Commission
Florida Commission on Human Relations