

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

RONALD DAVID JONES,

Petitioner,

v.

THE SCHOOL BOARD OF GADSDEN
COUNTY,

Respondent.

EEOC No. 15D202100799

FCHR No. 202230483

DOAH No. 22-0603

FCHR Order No. 22-036

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

Preliminary Matters

Ronald David Jones, Petitioner, filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 – 760.11, Florida Statutes (2021), alleging that the School Board of Gadsden County, Respondent, committed unlawful employment practices on the basis of Petitioner's religion, race, age, and gender and on the basis of retaliation.

The allegations set forth in the complaint were investigated, and on February 3, 2022, the Executive Director issued a "Determination: No Reasonable Cause" in the case.

On February 24, 2022, Petitioner filed a Petition for Relief from an Unlawful Employment Practice transmitted to the Division of Administrative Hearings for the conduct of a formal proceeding.

Administrative Law Judge E. Gary Early considered Respondent's Motion for Summary Recommended Order. On March 28, 2022, Judge Early issued an Order to Show Cause that stated, in part:

"The undersigned accepts the [Motion for Summary Recommended Order] as a motion to relinquish jurisdiction based on the assertion that the Petition for Relief is unrelated to the allegations raised in the Employment Complaint of Discrimination that would have been subject to investigation by the Florida Commission on Human Relations. Respondent also alleges that the allegations in the Petition for Relief are time-barred, or subject to the application of res judicata, also known as administrative finality. Such would leave no genuine issue as to any material fact pursuant to section 120.57(1)(h), Florida Statutes."

Judge Early, in the Motion to Show Cause observed that Petitioner had not responded to the Motion for Summary Recommended Order. The Order to Show Cause ordered Petitioner to "show cause, in writing, by 5:00 p.m. on Thursday, March 31, 2022, why Respondent's Motion should not be granted."

On April 4, 2022, Judge Early issued an Order Relinquishing Jurisdiction and Closing File which is the present Recommended Order. In said order, Judge Early stated:

"The docket shows that the Employment Claim of Discrimination concerned action taken by Principal Allysun Davis with regard to a job opening at the Gadsden Elementary Magnet School. The Petition for Relief complained of action by Principal Juliette Fisher-Jackson at East Gadsden High School. The Petition for Relief made no allegations, and disputed no facts related to the Employment Claim of Discrimination that was investigated

by the FCHR, or that would have been considered in its Determination: No Reasonable Cause. The lack of a nexus, and the failure to dispute issues of material fact related to Principal Allysun Davis or the Gadsden Elementary Magnet School was among the bases for the Motion.”

The order further stated, “Petitioner has filed no response to the [Motion for Summary Recommended Order] or to the Order to Show Cause.” The order went on to grant Respondent’s Motion for Summary Recommended Order and relinquished jurisdiction to the Florida Commission on Human Relations for entry of a final order dismissing 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

A transcript of the proceeding 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 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, 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 fact.

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.

We adopt the Administrative Law Judge’s conclusions of law.

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 2 day of June, 2022.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Darrick McGhee, Chairperson of the Panel;
Commissioner Libby Farmer; and
Commissioner Mario Garza

Filed this 2 day of June, 2022, in Tallahassee, Florida.



Clerk
Commission on Human Relations
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E. Gary Early, 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 2 day of June, 2022.

By: 
Clerk of the Commission
Florida Commission on Human Relations