

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

RONALD JONES,

Petitioner,

v.

THE SCHOOL BOARD OF GADSDEN COUNTY,

Respondent.

EEOC No. 15D-2022-00069

FCHR Case No. 2022-31434

DOAH Case No. 22-1276

FCHR Order. No. 22-091

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

This matter is before the Commission for consideration of the Order Relinquishing Jurisdiction and Closing File, August 3, 2022, issued in the above-styled matter by Administrative Law Judge Lisa Shearer Nelson.

Preliminary Matters

On October 20, 2021, Petitioner, Ronald Jones, filed an employment discrimination complaint pursuant to Florida Civil Rights Act of 1992, Sections 760.01 – 760.11, Florida Statutes (2021), alleging that Respondent, the School Board of Gadsden County, committed unlawful discriminatory employment practices against Petitioner on the bases of age, race, religion, sex, and retaliation.

The allegations set forth in the complaint were investigated, and, on April 12, 2022, the Executive Director issued a determination finding that there was no reasonable cause to find that a discriminatory employment practice had occurred.

On April 25, 2022, 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 an evidentiary proceeding.

On July 14, 2022, Respondent filed a Motion for Summary Recommended Order, asserting that the allegations in the Petition for Relief did not match the allegations in the complaint of discrimination filed with the Commission, that Petitioner's claims are untimely, and that Petitioner's factual claims have been previously litigated and are thus barred by either *res judicata* or the doctrine of administrative finality. Petitioner filed a responsive pleading to this motion on July 26, 2022, entitled Objections to Order Canceling Hearing and Requiring Petitioner to Show Cause.

Judge Nelson considered the matter on the pleadings and issued an Order Relinquishing Jurisdiction and Closing file on August 3, 2022.

Findings of Fact

We find the Administrative Law Judge's findings of fact for this matter determined on the pleadings to be supported by competent, substantial evidence, after a full review of the administrative record.

We note that Judge Nelson correctly stated that the Petition for Relief did not match the allegations investigated by the Commission relating to the October 20, 2021, complaint of discrimination. Judge Nelson properly stated, "As was the case in Jones v. School Board of Gadsden County, Case No. 22-0603 (Fla. DOAH Apr. 4, 2022), there is no nexus between what Petitioner alleged in his complaint of discrimination filed with the Commission and his Petition for Relief filed after the Notice of No Reasonable Cause. Petitioner does not address this issue in his Objections to Order Canceling Hearing and Requiring Petitioner to Show Cause." (Order Relinquishing Jurisdiction, Page 3).

With this duly noted, we accordingly 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, after a full review of the Order Relinquishing Jurisdiction and Closing File, all internal Commission precedent cited, and caselaw referenced within the Order.

We note Judge Nelson's correct disposition of Respondent's Motion for Summary Recommended Order. The claims alleged in the Petition for Relief were untimely and thereby barred from adjudication. Richardson v. Recreational Vehicle Park Mgmt., LLC, 330 So. 3d 104, 106 (Fla. 1st DCA, 2021); *citing to*, Woodham v. Blue Cross & Blue Shield of Fla., Inc., 829 So. 2d 891, 894 (Fla. 2002). Judge Nelson also properly referenced the legal standard and importance for administrative finality or a limited form of *res judicata*. Mann v. Dept. of Pro. Regul., Bd. of Dentistry, 585 So. 2d 1059, 1061 (Fla. 1st DCA, 1991), *citing to*, Wood v. Dept. of Pro. Regul., Bd. of Dentistry, 490 So. 2d 1079, 1081 (Fla. 1st DCA, 1986). Lastly, Judge Nelson noted that pro se litigants are granted more leniency in documents presented to the court, but that even pro se litigants are bound by the basic pleading requirements set forth in Chapter 760 (Order Relinquishing Jurisdiction, Page 4).

With these conclusions duly noted, we accordingly adopt the Administrative Law Judge's conclusions of law.

Exceptions

Neither of the parties filed exceptions to the Administrative Law Judge's Order Relinquishing Jurisdiction and Closing File.

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 28 day of Sept., 2022.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Darrick McGhee, Panel Chairperson;
Commissioner Libby Farmer; and
Commissioner Jay Pichard

Filed this 28 day of Sept., 2022, in Tallahassee, Florida.



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Lisa Shearer Nelson, Administrative Law Judge, DOAH

Samuel Ostrow, Legal Advisor for the Commission Panel

I HEREBY CERTIFY that a copy of the foregoing has been mailed to the above listed addressees this 28 day of Sept, 2022.

By: Jammy Barton
Clerk of the Commission
Florida Commission on Human Relations