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STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

DAJIN PENG,

EEOC Case No. NONE

Petitioner,

FCHR Case No. 2016-00617

v.

DOAH Case No. 16-4347

UNIVERSITY OF SOUTH FLORIDA,

FCHR Order No. 17-030

Respondent.

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

Preliminary Matters

Petitioner Dajin Peng filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (2012), alleging that Respondent University of South Florida committed unlawful employment practices on the bases of Petitioner's race (not specified in complaint) and national origin (Chinese), and on the basis of retaliation, by suspending Petitioner from employment, by subjecting Petitioner to harassment, and by making false charges of Petitioner committing sexual harassment and financial irregularities.

The allegations set forth in the complaint were investigated, and, on June 15, 2016, the Executive Director issued a "Determination: No Jurisdiction," finding that the Commission did not have jurisdiction to investigate Petitioner's complaint because the complaint was not timely filed.

Petitioner filed a Petition for Relief from an Unlawful Employment Practice, and the case was transmitted to the Division of Administrative Hearings for the conduct of a formal proceeding.

An evidentiary hearing was held by video teleconference on January 6, 2017, at sites in Tallahassee and Tampa, Florida, before Administrative Law Judge D. R. Alexander. The issue before Judge Alexander was whether the Commission had jurisdiction to investigate Petitioner's complaint.

Judge Alexander issued a Recommended Order, dated February 21, 2017, in which Judge Alexander found that the Commission did not have jurisdiction to investigate Petitioner's complaint because Petitioner's complaint was not timely filed.

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

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

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 of the parties filed exceptions to the Administrative Law Judge's Recommended Order.

Dismissal

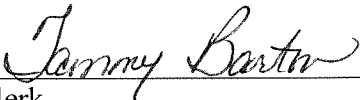
The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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 to appeal is found in Section 120.68, Florida Statutes, and in the Florida Rules of Appellate Procedure 9.110.

DONE AND ORDERED this 20 day of April, 2017.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Rebecca Steele, Panel Chairperson;
Commissioner Derick Daniel; and
Commissioner Jay Pichard

Filed this 20 day of April, 2017,
in Tallahassee, Florida.


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

Copies furnished to:

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D. R. Alexander, Administrative Law Judge, DOAH

James Mallue, Legal Advisor for Commission Panel

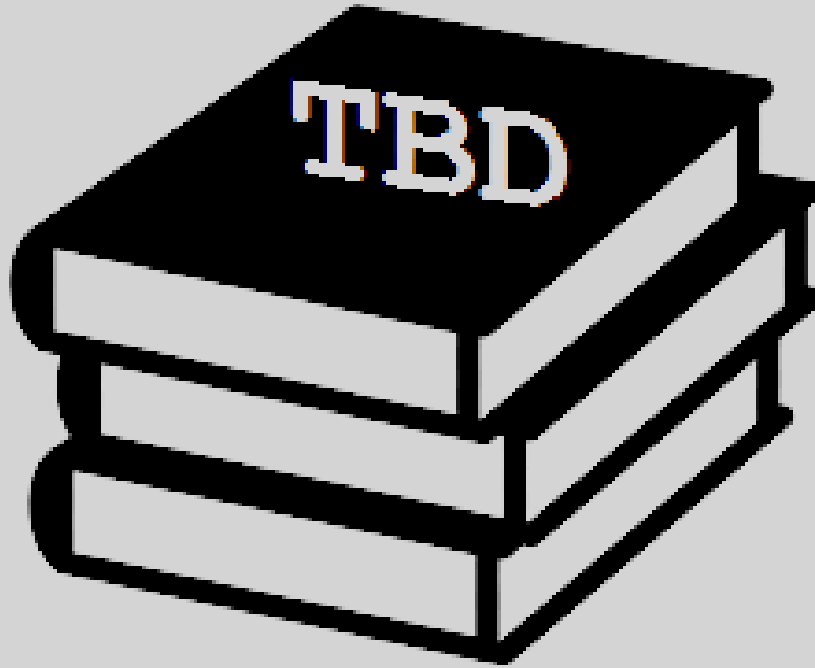
I HEREBY CERTIFY that a copy of the foregoing has been mailed to the above listed addressees this 20 day of April, 2017.

By: 
Clerk of the Commission
Florida Commission on Human Relations

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