

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

FILED
01 JUL -9 AM 8:16
DIVISION OF
ADMINISTRATIVE
HEARINGS

PAUL SONDEL,

EEOC Case No. 15D995973

Petitioner,

FCHR Case No. 99-03777

v.

DOAH Case No. 00-2529

CITY OF TALLAHASSEE,

FCHR Order No. 01-030

Respondent.

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close

FINAL ORDER DISMISSING REQUEST FOR
RELIEF FROM AN UNLAWFUL EMPLOYMENT PRACTICE

Preliminary Matters

Petitioner Paul Sondel filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (1995), alleging that Respondent City of Tallahassee committed an unlawful employment practice on the basis of Petitioner's age (70) by denying Petitioner an interview for a customer service representative position.

Petitioner requested an administrative hearing, and the case was transmitted to the Division of Administrative Hearings for the conduct of a formal proceeding.

Administrative Law Judge P. Michael Ruff issued a Recommended Order of Dismissal, dated October 6, 2000.

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 and Conclusions of Law

The Administrative Law Judge found that Petitioner failed to appear at the scheduled final hearing of this matter and recommended the Commission dismiss the matter "due to the Petitioner's failure to appear and prosecute the cause." Recommended Order of Dismissal.

We adopt the findings of the Administrative Law Judge and conclude that the Administrative Law Judge's recommendation to the Commission reflects a correct disposition of the matter.

Exceptions

While the Commission's file contains a request from Petitioner to the Administrative Law Judge to re-schedule the hearing, neither party filed with the Commission exceptions to the Administrative Law Judge's Recommended Order.


Dismissal

The Request 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 6 day of July, 2001.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Roosevelt Paige, Panel Chairperson;
Commissioner Donna Elam; and
Commissioner Aristides Sosa

Filed this 6 day of July, 2001,
in Tallahassee, Florida.


Azizi Dixon, Clerk
Commission on Human Relations
325 John Knox Rd., Bldg. F, Suite 240
Tallahassee, FL 32303-4149
(850) 488-7082

NOTICE TO COMPLAINANT / PETITIONER

As your complaint was filed under Title VII of the Civil Rights Act of 1964, which is enforced by the U.S. Equal Employment Opportunity Commission (EEOC), you have the right to request EEOC to review this Commission's final agency action. To secure a "substantial weight review" by EEOC, you must request it in writing within 15 days of your receipt of this Order. Send your request to Miami District Office (EEOC), One Biscayne Tower, 2 South Biscayne Blvd., Suite 2700, 27th Floor, Miami, FL 33131.

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Copies furnished to:

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P. Michael Ruff, Administrative Law Judge, DOAH

James Mallue, Legal Advisor for Commission Panel