

12-26-00

2000 JUN 30 P 2:36  
DIVISION OF  
ADMINISTRATIVE  
HEARINGS  
FILED

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

Gloria Holloway

Petitioner,

v.

AT

EEOC Case No: 15D960355  
FCHR Case No: 96-0514  
DOAH Case No: 00-3866 DMK-CWS  
FCHR Order No: 01-048

Rollins College

Respondent.

\_\_\_\_\_ /

FINAL ORDER DISMISSING PETITION FOR  
RELIEF FROM AN UNLAWFUL EMPLOYMENT PRACTICE

Petitioner filed a Charge of Discrimination claiming she was discriminated against because of her race. The Commission staff found no cause to believe that she was discriminated against because of her race. The Petitioner filed a Petition for Relief, which focused on being embarrassed by the physical touching of her by a supervisor. A hearing was held and a Recommended Order was filed on December 26, 2000. A transcript was not filed. On January 1, 2001 Petitioner filed a letter with the Commission that did not purport to be exceptions, but may have been intended to be exceptions. The letter did not mention racial discrimination, but again focused on physical touching. The Judge found for the Respondent on the merits because there was no evidence of racial discrimination. He also found that Petitioner had actually testified there was no racial discrimination, and recommended dismissal of the Petition. Therefore, the letter filed by the Petitioner is not responsive to the charge of race discrimination and the letter should not be treated as an exception to the Judge's Recommended Order.

The Judge's dismissal on the merits was correct since it was supported by competent substantial evidence in the record, and the Petition should be dismissed.

**Dismissal**

The Petition for Relief is hereby **Dismissed**. 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      DAY OF      ,2001, FOR  
THE FLORIDA COMMISSION ON HUMAN RELATIONS

Commission Panel Chairperson,  
Clarethea Brooks  
Commissioner Leonie Hermantin  
and  
Commissioner Billy Whitefox Stall

Filed this 3 day of *December*, 2001

In Tallahassee, Florida

*Azizi Dixon*

Azizi Dixon, Clerk

Florida Commission on Human Relations

325 John Knox Road, 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.

### Copies Furnished:

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Miles A. Lance, Assistant General Counsel

Daniel M. Kilbride, Administrative Law Judge