

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

FILED
02 JAN -9 AM 9:11
DIVISION OF
ADMINISTRATIVE
HEARINGS

MYRTLE DAWKINS,

EEOC Case No. 150982554

Petitioner,

*OSM
closed*

DOAH No. 99-3481

v.

FCHR Order No. 01-074

BELLSOUTH TELECOMMUNICATIONS,

Respondent.

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HUMAN RELATIONS
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FINAL ORDER DISMISSING REQUEST FOR RELIEF
FROM AN UNLAWFUL EMPLOYMENT PRACTICE

Preliminary Matters

This cause came before the Commission for review of the Recommended Order of Dismissal issued in this matter on September 19, 2000, by Administrative Law Judge Daniel Manry.

Pursuant to notice, public deliberations were held on December 6, 2001, by means of Communications Media Technology (namely, telephone) before this panel of Commissioners. The public access point for these telephonic deliberations was the Office of the Florida Commission on Human Relations, 325 John Knox Road, Building F, Suite 240, Tallahassee, Florida, 32303-4149. At these deliberations, the Commission panel determined the action to be taken on the Recommended Order of Dismissal.

Findings of Fact and Conclusions of Law

The Administrative Law Judge found, "Petitioner brought a civil action in a court of competent jurisdiction within the meaning of Section 760.11(4)(a), Florida Statutes (1999). The filing of a civil action is the 'exclusive procedure available to the aggrieved person' pursuant to Section 760.11(4), Florida Statutes," and recommended that "a final order be entered dismissing the petition for relief for lack of jurisdiction pursuant to Section 760.11(4), Florida Statutes." 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

Petitioner filed a document entitled, "Formal Exception to Recommended Order of Dismissal." In it, Petitioner simply states that Petitioner "files this her formal exception to the Honorable Daniel Manry's Recommended Order of Dismissal dated September 19, 2000," without providing further argument or explanation. See Filing.

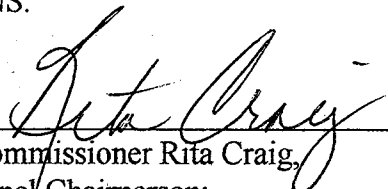
Since, as indicated above, we have adopted the findings of the Administrative Law Judge and have concluded that the Administrative Law Judge's recommendation to the Commission reflects a correct disposition of the matter, we reject Petitioner's exceptions.

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 Section 120.68, Florida Statutes, and in the Florida Rules of Appellate Procedure 9.110.

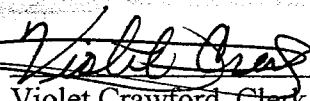
DONE AND ORDERED this 6th day of December, 2001.
FOR THE COMMISSION ON HUMAN RELATIONS:



Commissioner Rita Craig,
Panel Chairperson;
Commissioner Gayle Cannon; and
Commissioner Billy Whitefox Stall

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Filed this 7th day of January, 2002
in Tallahassee, Florida.



Violet Crawford, Clerk
Commission on Human Relations
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Daniel Manry, Administrative Law Judge, DOAH

James Mallue, Legal Advisor for Commission Panel