

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

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DIVISION OF ADMINISTRATIVE HEARINGS

AUSBON BROWN, JR.,

*DWD
closed*

EEOC Case No. 15D980059

Petitioner,

FCHR Case No. 98-0367

v.

DOAH Case No. 99-4038

FLORIDA DEPARTMENT OF LABOR
AND EMPLOYMENT SECURITY,

FCHR Order No. 01-075

Respondent.

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FLORIDA COMMISSION ON
HUMAN RELATIONS

FINAL ORDER DISMISSING PETITION FOR
RELIEF FROM AN UNLAWFUL EMPLOYMENT PRACTICE

Preliminary Matters

Petitioner Ausbon Brown, Jr., filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (1997), alleging that Respondent Florida Department of Labor and Employment Security committed an unlawful employment practice on the basis of Petitioner's age (born April 25, 1943), sex (male), and race (Black) when it failed to hire him for several positions for which he had applied.

The allegations set forth in the complaint were investigated, and, on August 18, 1999, the Executive Director issued his determination finding that there was no reasonable cause to believe that an unlawful employment practice had occurred.

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 in Daytona Beach, Florida, on May 11, 2000, by teleconferencing technology before Administrative Law Judge Don W. Davis.

Judge Davis issued a Recommended Order of dismissal on June 8, 2000.

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 Petition for Relief.

Findings of Fact

A transcript of the proceeding before the Administrative Law Judge was not filed with the Commission.

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

Petitioner filed exceptions to the Recommended Order in a document entitled, "Exceptions to Recommended Order in case # 99-4038 issued June 8, 2000."

As indicated, above, the Commission's file does not contain a transcript of the proceeding before the Administrative Law Judge.

The filing of such a transcript is a requirement to the filing of exceptions to a Recommended Order. See, Fla. Admin. Code R. 60Y-4.025(3), and Fla. Admin. Code R. 60Y-4.027(1). In the absence of the filing of such a transcript the Commission has ordered exceptions stricken. See, e.g., Ebeh v. Consumer Credit Counseling Service of the Tampa Bay Area, Inc., 16 F.A.L.R. 2149, at 2150 (FCHR 1994), and Lee v. Emmer Development Corporation, 20 F.A.L.R. 3132, at 3134 (FCHR 1998).

Petitioner's exceptions are hereby stricken.

Dismissal

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

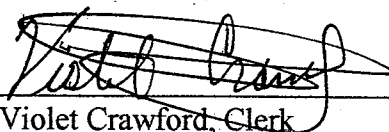
The parties have the right to seek judicial review of this Order. The Commission and the appropriate District Court of Appeal must receive notice of appeal within 30 days of the date this Order is filed with the Clerk of the Commission. Explanation of the right to appeal is found in Section 120.68, Florida Statutes, and in the Florida Rules of Appellate Procedure 9.110.

DONE AND ORDERED this 6 day of December, 2000!
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:



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

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



Violet Crawford, 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.

Copies furnished to:

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Don W. Davis, Administrative Law Judge, DOAH

James Mallue, Legal Advisor for Commission Panel

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