

0-21-02

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

MARGIE R. ISRAEL,

Petitioner,

Vs.

WAL-MART STORES, INC.

Respondent.

AT

EEOC Case no. 15D995648

FCHR Case no. 99V-1528

DOAH Case no. 01-2818

FCHR Order no. 02-059

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DIVISION OF ADMINISTRATIVE HEARINGS

HLH - closed

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

Preliminary Statement

Petitioner Margie R. Israel filed a complaint of discrimination pursuant to Florida Civil Rights Act of 1992, Sections 760.01-760.11, Florida Statutes (2001), alleging that Respondent Wal-Mart Stores, Inc., committed an unlawful employment practice on the basis of her race and handicap by creating a hostile work environment, failing to accommodate her disability, and causing her constructive discharge.

On June 7, 2001, FCHR filed a determination of no cause on both the issue of race and disability. Petitioner filed a Petition for Relief for an administrative hearing pursuant to Section 760.11(8), Florida Statutes, alleging only discrimination due to her disability. FCHR referred the case to the Division of Administrative Hearings on July 17, 2002.

An evidentiary hearing was held in Marianna, Florida, on January 28, 2002, and continued until April 25, 2002, and was concluded on that day, before Administrative Law Judge Harry L. Hooper.

Judge Hooper issued a Recommended Order of Dismissal dated June 21, 2002.

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

A transcript of the proceeding before the Administrative Law Judge was filed with the Commission.

We adopt the Administrative Law Judge's findings of fact as stated in paragraphs 1-22, inclusive.

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 as provided in his recommended order paragraphs 23-36, inclusive.

Exceptions

Neither party filed exceptions to the Administrative Law Judge's recommended order.

Dismissal

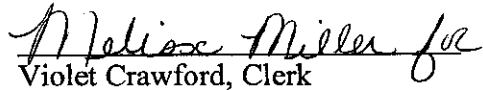
The Request for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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 10<sup>th</sup> day of October, 2002.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS

Commissioner Rita Craig, Panel Chairperson  
Commissioner Roosevelt Paige  
Commissioner Billy Whitefox Stall

Filed this 10<sup>th</sup> day of October, 2002  
in Tallahassee, Florida.

  
Violet Crawford, Clerk  
Commission on Human Relations  
2009 Apalachee Parkway, Suite 100  
Tallahassee, Florida 32301  
(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 the 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, 27<sup>th</sup> Floor, Miami, FL 33131

Copies furnished to:

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John A. Unzicker, Jr., Esquire  
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635 West Garden Street  
Pensacola, Florida 32501

Administrative Law Judge Harry L. Hooper

Jim Tait, Legal Advisor for Commission Panel