

5-30-02

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

CARLOS A. MANGUAL,

Petitioner,

v.

MIAMI DADE COUNTY CONSUMER
SERVICES,

Respondent.

AT
EEOC Case No. 150A11681

FCHR Case No. N/A

DOAH Case No. 01-4014

FCHR Order No. 02-064

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ADMINISTRATIVE HEARINGS

JDP-CWS

FINAL ORDER DISMISSING PETITION FOR
RELIEF FROM AN UNLAWFUL EMPLOYMENT PRACTICE

Preliminary Matters

Petitioner Carlos A. Mangual filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (1999), alleging that Respondent Miami Dade County Consumer Services committed an unlawful employment practice on the basis of Petitioner's disability (knee injury) by demoting Petitioner. In the subsequently filed Petition for Relief, Petitioner alleged that Respondent unlawfully failed to provide Petitioner a reasonable accommodation.

As indicated, above, 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 by teleconference on February 22, 2002, with the parties appearing from Miami, Florida, before Administrative Law Judge J. D. Parrish.

Judge Parrish issued a Recommended Order of dismissal, dated May 30, 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

We find the Administrative Law Judge's findings of fact to be supported by competent substantial evidence.

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

Neither party filed exceptions to the Administrative Law Judge's Recommended Order.

Dismissal

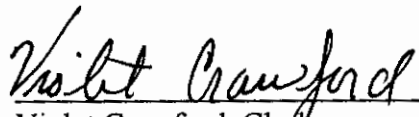
The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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 5th day of NOVEMBER, 2002.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Gayle Cannon, Panel Chairperson;
Commissioner Donna Elam; and
Commissioner P. C. Wu

Filed this 5th day of NOVEMBER, 2002,
in Tallahassee, Florida.



Violet Crawford, Clerk
Commission on Human Relations
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J. D. Parrish, Administrative Law Judge, DOAH

James Mallue, Legal Advisor for Commission Panel