

8-28-02

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

AT  
02 NOV -8 AM 9:10  
ADMINISTRATIVE  
HEARINGS

SUSANA LINARES,

EEOC Case No. 15DA10119

Petitioner,

FCHR Case No. 21-00672

v.

DOAH Case No. 02-1623

EHP-CWS

FLORIDA CHILDREN'S FORUM

FCHR Order No. 02-071

Respondent.

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

Petitioner, SUSANA LINARES, filed a complaint of discrimination pursuant to Florida Civil Rights Act of 1992, Sections 760.01-760.11, Florida Statutes (2001), alleging that Respondent, FLORIDA CHILDREN'S FORUM, committed an unlawful employment practice on the basis of race and national origin.

The allegations set forth in the complaint were investigated, and, on February 20, 2002, 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 on April 15, 2002, and the case was transmitted to the Division of Administrative Hearings on April 23, 2002, for the conduct of a formal proceeding.

Upon receiving the case, Administrative Law Judge Errol H. Powell issued an order sua sponte on May 10, 2002, to provide an opportunity to the Petitioner to file written argument as to whether her Petition was timely filed. Petitioner did not respond to the Order. Respondent responded to the Order by filing a Motion to Dismiss on June 10, 2002.

Judge Powell issued a Recommended Order of Dismissal dated August 28, 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 and Conclusions of Law**

The Administrative Law Judge found the Petition to have been filed on April 15, 2002, or 54 days after the Commission issued its determination on no reasonable cause (No Cause) on February 20, 2002. The ALJ further found that no evidence was presented that the Petitioner had requested an extension of time to file and, even after being provided an opportunity to why she filed late, she failed to do so. The ALJ concluded that the Petition was filed well outside the

prescribed time period and her action was barred. We adopt the Administrative Law Judge's findings of fact and conclusions of law.

Exceptions

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

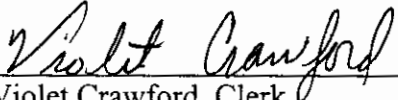
Dismissal

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

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

Filed this 7<sup>th</sup> day of November, 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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ALLEN, NORTON & BLUE, P.A.  
906 North Monroe Street, Suite 100  
Tallahassee, Florida 32303

Errol H. Powell, Administrative Law Judge

Jim Tait, Legal Advisor for Commission Panel

I HEREBY CERTIFY that a copy of the foregoing has been mailed to the above listed addressees this 7<sup>th</sup> day of NOVEMBER, 2002.

By: Violet Craneford  
Clerk of the Commission  
Florida Commission on Human Relations