

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

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DIVISION OF
ADMINISTRATIVE
HEARINGS

JACK SCOTT,

EEOC Case No. NONE

Petitioner,

FCHR Case No. 22-00218

v.

DOAH Case No. 02-2626

*BJS
closed*

JACKSON COUNTY, FLORIDA

FCHR Order No. 02-072

Respondent.

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

Petitioner, JACK SCOTT, filed a complaint of discrimination pursuant to Florida Civil Rights Act of 1992, Sections 760.01-760.11, Florida Statutes (2001), alleging that Respondent, JACKSON COUNTY, FLORIDA, committed an unlawful employment practice on the basis of failing to hire Petitioner because of his race, age and in retaliation.

The allegations set forth in the complaint were investigated, and, on May 21, 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 June 19, 2002, and the case was transmitted to the Division of Administrative Hearings for the conduct of a formal proceeding.

Upon a Motion to Dismiss by the Respondent and considering the Petitioner's Response, Administrative Law Judge Barbara J. Staros issued a Recommended Order of Dismissal dated August 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

The Administrative Law Judge found that Petitioner had previously filed an employment charge of discrimination with FCHR on January 15, 2001, (the "earlier charge") regarding the same November 13, 2000, non-hire by the Respondent. In the earlier charge, Petitioner alleged race/color and age as the cause of discrimination and did not raise any issue of retaliation. After investigation of the earlier charge, FCHR issued a Determination of No Reasonable Cause on July 19, 2001, and, following the appropriate time for filing a Petition for Relief, a Notice of Dismissal on October 10, 2001.

The ALJ found that the current charge was not a case of retaliation after the fact. It was clear to the ALJ that the Petitioner was not alleging any new facts or circumstances that arose after the November 13, 2000, non-hire. 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 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 7th 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 7th 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, 27th Floor, Miami, FL 33131

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Barbara J. Staros, 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 7th day of NOVEMBER, 2002.

By: *Viola Crawford*
Clerk of the Commission
Florida Commission on Human Relations