

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

FILED
JUL 28 AM 9:22

DEBORAH KEELEY,

EEOC Case No. 15D-00594

Petitioner,

FCHR Case No. 20-03120

v.

DOAH Case No. 02-4727

MILLERS SUPER VALUE STORE,

FCHR Order No. 03-057

Respondent.

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FLORIDA COMMISSION ON
HUMAN RELATIONS

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

Preliminary Matters

Petitioner Deborah Keeley 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 Millers Super Value Store committed an unlawful employment practice on the basis of Petitioner's race (Black) and disability when it terminated Petitioner.

Petitioner requested an administrative hearing, and the case was transmitted to the Division of Administrative Hearings for the conduct of a formal proceeding.

Prior to a hearing on the merits being conducted, Administrative Law Judge Suzanne F. Hood issued a Recommended Order of Dismissal, dated January 21, 2003.

Pursuant to notice, public deliberations were held on July 9, 2003, 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, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida, 32301. At these deliberations, the Commission panel determined the action to be taken on the Recommended Order of Dismissal.

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

Petitioner filed exceptions to the Administrative Law Judge's Recommended Order in a document entitled, "Exceptions to Recommended Order." Respondent filed a response to Petitioner's exceptions in a document entitled, "Respondent's Response to Petitioner's Exceptions."

Petitioner appears to argue that she never received the \$500 the Settlement and Release Agreement said she was to receive. In its response, Respondent argues that it did pay Petitioner the \$500 indicated in the Settlement and Release Agreement and provides documentation it says supports this assertion.

Whether Petitioner received what she was entitled to under the Settlement and Release Agreement is not an issue appropriately before the Commission, in our view. Rather, the issue before the Commission is whether there is competent substantial evidence in the record to support the Administrative Law Judge's finding that the claims brought forth in this matter have been released by Petitioner.

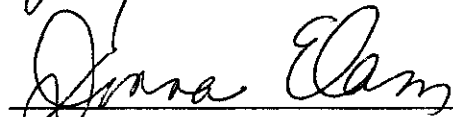
Having concluded, above, that competent substantial evidence does exist to support the Administrative Law Judge's findings, Petitioner's exceptions are rejected.

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.

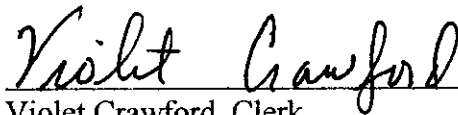
DONE AND ORDERED this 10 day of July, 2003.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:



Commissioner Donna Elam,
Panel Chairperson;
Commissioner Mario M. Valle; and
Commissioner P. C. Wu

Filed this 24th day of July, 2003,
in Tallahassee, Florida.

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Violet Crawford, Clerk
Commission on Human Relations
2009 Apalachee Parkway, Suite 100
Tallahassee, FL 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 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:

Deborah Keeley
715 South 15th Street
Palatka, FL 32177

Millers Super Value Store
c/o Brandice Dickson, Esq.
c/o Miriam Wilkinson, Esq.
McConnaughay, Duffy, Coonrod,
Pope and Weaver, P.A.
101 North Monroe Street, Suite 900
Tallahassee, FL 32301

Suzanne F. Hood, Administrative Law Judge, DOAH

James Mallue, Legal Advisor for Commission Panel

I HEREBY CERTIFY that a copy of the foregoing has been mailed to the above listed addressees this 24th day of July, 2003.

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