

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

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DIVISION OF
ADMINISTRATIVE
HEARINGS
EEOC Case No. 15DA200196

LIEE GUERLAIN,
Petitioner,

FCHR Case No. 22-00499

v.

DOAH Case No. 02-4733 *JBC-clos*

WALT DISNEY WORLD NARCOSSES
RESTAURANT,

FCHR Order No. 03-049

Respondent.

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

This matter is before the Commission for consideration of the Recommended Order of Dismissal, dated April 7, 2003, issued in the above-styled matter by Administrative Law Judge Jeff B. Clark.

Findings of Fact and Conclusions of Law

Judge Clark's order reflects that Petitioner failed to comply with several orders issued by Judge Clark, including an Order to Show Cause issued on March 11, 2003, directing Petitioner to comply with Respondent's discovery requests. This Order to Show Cause indicated that, "Petitioner is cautioned that failure to appropriately respond to this Order to Show Cause shall result in a recommendation by the undersigned Administrative Law Judge to the Florida Commission on Human Relations that Petitioner's Petition for Relief be dismissed."

Ultimately, Judge Clark recommended in the Recommended Order of Dismissal that, "... Petitioner's Petition for Relief be dismissed for her failure and refusal to comply with orders of this tribunal."

Noting that it is within the authority of the Administrative Law Judge to issue sanctions for failure to comply with discovery requests (see, Section 120.569(2)(f), Florida Statutes (2001)), we adopt the Administrative Law Judge's findings of fact, conclusions of law, and recommendation as to the disposition of this matter.

Exceptions

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

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 of appeal is found in Section 120.68, Florida Statutes, and in the Florida Rules of Appellate Procedure 9.110.

DONE AND ORDERED this 11th day of August, 2003.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Roosevelt Paige, Panel Chairperson;
Commissioner Gayle Cannon; and
Commissioner Gilbert M. Singer

Filed this 11th day of August, 2003,
in Tallahassee, Florida.



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:

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c/o Mary Ruth Houston, Esq.
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Orlando, FL 32802-4956

Jeff B. Clark, 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 11th day of August, 2003.

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