

5-30-03

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

FILED
03 DEC 30 PM 2:44
DIVISION OF
ADMINISTRATIVE
HEARINGS

JERZY JOZEFIK,

EEOC Case No. 15GA00004

Petitioner,

AT

FCHR Case No. NONE

v.

DOAH Case No. 02-4728

WFO - CWS

H & S SWANSON'S TOOL COMPANY,

FCHR Order No. 03-086

Respondent.

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

Preliminary Matters

Petitioner Jerzy Jozefik 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 H & S Swanson's Tool Company committed unlawful employment practices when it harassed Petitioner on the basis of Petitioner's national origin (Polish), and when it discriminated against Petitioner on the basis of his disability with regard to job assignments and when it terminated him from employment.

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 in Largo, Florida, on April 7, 2003, before Administrative Law Judge William F. Quattlebaum.

Judge Quattlebaum issued a Recommended Order of dismissal on May 30, 2003.

Pursuant to notice, public deliberations were held on November 13, 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.

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 submitted a letter to Commission Chief Legal Counsel, Cecil Howard, dated June 9, 2003, which we will consider as written exceptions to the Recommended Order.

The letter generally accepts to the findings of the Administrative Law Judge that no unlawful employment practice occurred in this case.

We have found that the Administrative Law Judge's findings of fact are supported by competent substantial evidence and that the Administrative Law Judge's application of the law to the facts reflects a correct disposition of the matter.

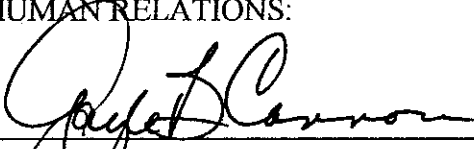
We reject Petitioner's exceptions.

Dismissal

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

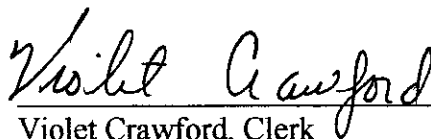
The parties have the right to seek judicial review of this Order. The Commission and the appropriate District Court of Appeal must receive notice of appeal within 30 days of the date this Order is filed with the Clerk of the Commission. Explanation of the right to appeal is found in Section 120.68, Florida Statutes, and in the Florida Rules of Appellate Procedure 9.110.

DONE AND ORDERED this 29th day of December, 2003
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:



Commissioner Gayle Cannon,
Panel Chairperson;
Commissioner Donna Elam; and
Commissioner Gilbert M. Singer

Filed this 29th day of December, 2003,
in Tallahassee, Florida.



Violet Crawford, Clerk
Commission on Human Relations
2009 Apalachee Parkway, Suite 100
Tallahassee, FL 32301
(850) 488-7082

Copies furnished to:

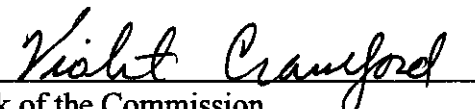
Jerzy Jozefik
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c/o Grant D. Peterson, Esq.
c/o Ignacio J. Garcia, Esq.
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600 North Westshore Boulevard, Suite 200
Tampa, FL 33609-1117

William F. Quattlebaum, 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 29th day of December, 2003

By: 
Clerk of the Commission
Florida Commission on Human Relations