

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

FILED
04 FEB 27 AM 9:18

CARLTON L. HARTLEY, SR.,

EEOC Case No. 300149

Petitioner,

FCHR Case No. 23-00188

v.

DOAH Case No. 03-1452

CHECKPOINT PRECISION
MARKETING,

FCHR Order No. 04-009

Respondent.

PJTB - closed

**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 August 26, 2003, issued in the above-styled matter by Administrative Law Judge Barbara J. Staros.

Findings of Fact and Conclusions of Law

Judge Staros' Recommended Order of Dismissal reflects that Petitioner failed to comply with Respondent's repeated discovery requests and failed to comply with a July 30, 2003, Order requiring him to do so.

Ultimately, Judge Staros, in the Recommended Order of Dismissal, recommended, "Due to Petitioner's repeated failure to comply with discovery requests and failure to comply with the July 30, 2003, Order requiring him to do so, that the Florida Commission on Human Relations enter a final order dismissing Petitioner's Charge of Discrimination."

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 (2003)), we adopt the Administrative Law Judge's findings of fact, conclusions of law, and recommendation as to the disposition of this matter.

We further note that the Commission's file reflects that on handwritten material submitted by Petitioner, namely the Employment Charge of Discrimination and the Petition for Relief, Petitioner indicates that his address is "2903 East Johnson Ave.," while the "Notice of Determination: No Cause" and "Determination: No Cause" mailed to Petitioner by the Commission and the "Order on Motion to Dismiss/Motion to Compel," the "Order on Attorney's Fees and Costs," and the "Recommended Order of Dismissal" mailed to Petitioner by the Division of Administrative Hearings reflect Petitioner's address as "2903 East Johnson Street."

Nevertheless, Respondent's filings reflect service on Petitioner at the "Ave." address, the Recommended Order of Dismissal does not indicate that prior orders served on Petitioner had been returned as undeliverable, and Petitioner did file a Petition for Relief, the form for which, the record appears to reflect, was sent to Petitioner at the "Street" address along with the "Notice of Determination: No Cause."

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 26th day of February, 2004.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Billy Whitefox Stall, Panel Chairperson;
Commissioner Gilbert M. Singer; and
Commissioner P. C. Wu

Filed this 26th day of February, 2004,
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:

Carlton L. Hartley, Sr.
2903 East Johnson Ave.
Pensacola, FL 32514

Choicepoint Precision Marketing
c/o Juan C. Lopez-Campillo, Esq.
Fisher & Phillips, LLP
1250 Lincoln Plaza
300 South Orange Avenue
Orlando, FL 32801

Barbara J. Staros, 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 26th day of February, 2004.

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