

6-13-03

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

FILED
04 MAR 10 PM 1:17
DIVISION OF
ADMINISTRATIVE
HEARINGS

JANET ROUSCH,

EEOC Case No. 150A13268

Petitioner,

AT

FCHR Case No. NONE

v.

DOAH Case No. 02-4392

PMR-CW5

IDEAL SERVICES, INC.,

FCHR Order No. 04-039

Respondent.

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

Preliminary Matters

Petitioner Janet Rousch filed a complaint of discrimination pursuant to the Florida Civil Rights Act of 1992, Sections 760.01 - 760.11, Florida Statutes (2001), alleging that Respondent Ideal Services, Inc., committed an unlawful employment practice on the basis of Petitioner's sex (female) and age (59) when it terminated Petitioner 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 Daytona Beach, Florida, on March 11, 2003, before Administrative Law Judge P. Michael Ruff, at which Petitioner failed to appear.

Judge Ruff issued a Recommended Order of Dismissal on June 12, 2003.

Pursuant to notice, public deliberations were held on February 13, 2004, 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

A transcript of the proceeding before the Administrative Law Judge was not filed with the Commission.

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 exceptions to the Recommended Order of Dismissal in a letter to Administrative Law Judge P. Michael Ruff, received by the Division of Administrative Hearings on June 20, 2003.

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

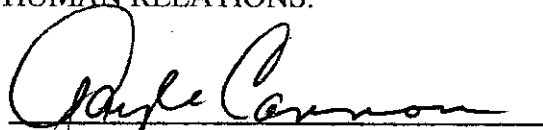
We note, above, that we have adopted the Administrative Law Judge's findings of fact and conclusions of law, and, therefore, we reject Petitioner's exceptions.

Dismissal

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

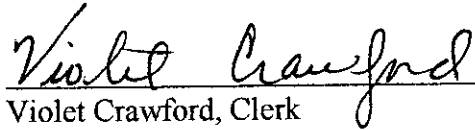
The parties have the right to seek judicial review of this Order. The Commission and the appropriate District Court of Appeal must receive notice of appeal within 30 days of the date this Order is filed with the Clerk of the Commission. Explanation of the right to appeal is found in Section 120.68, Florida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

DONE AND ORDERED this 9th day of March, 2004.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:



Commissioner Gayle Cannon,
Panel Chairperson;
Commissioner Keith Roberts; and
Commissioner Mario M. Valle

Filed this 9th day of March, 2004,
in Tallahassee, Florida.



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

Copies furnished to:

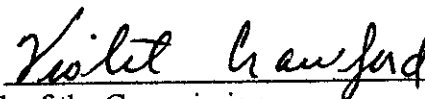
Janet Rousch
4833 Shop St.
Chester, VA 23831

Ideal Services, Inc.
c/o Diane M. Cox
211 North Ridgewood Avenue, Suite 203
Daytona Beach, FL 32114

P. Michael Ruff, 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 9th day of March, 2004.

By: 
Clerk of the Commission
Florida Commission on Human Relations