

9-4-03

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

CHARLES H. MILLER,

Petitioner,

AT

v.

DEPARTMENT OF TRANSPORTATION,

Respondent.

EEOC Case No. NONE

FCHR Case No. 22-02079

DOAH Case No. 03-0976

FCHR Order No. 04-018

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

Preliminary Matters

Petitioner Charles H. Miller 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 Department of Transportation committed unlawful employment practices on the basis of Petitioner's disability (ankle injury that did not heal properly) by allowing supervisory level employees to make fun of his disability and transferring and dismissing him without good cause.

The allegations set forth in the complaint were investigated, and, on February 10, 2003, the Executive Director issued his determination finding that there was no reasonable cause to believe that an unlawful employment practice had occurred.

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 Gainesville, Florida, on June 19, 2003, before Administrative Law Judge P. Michael Ruff.

Judge Ruff issued a Recommended Order of dismissal, dated September 4, 2003.

The Commission panel designated below considered the record of this matter and 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

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

Dismissal

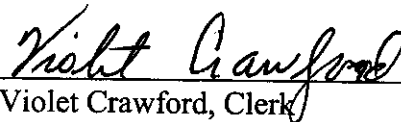
The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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 10th day of March, 2004.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Donna Elam, Panel Chairperson;
Commissioner John Corbett; and
Commissioner Roosevelt Paige

Filed this 10th day of March, 2004,
in Tallahassee, Florida.



Violet Crawford, Clerk
Commission on Human Relations
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Copies furnished to:

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Department of Transportation
605 Suwannee Street, Mail Stop 58
Tallahassee, FL 32399-0458

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 10th day of March, 2004.

By: *Vivian Rawford*
Clerk of the Commission
Florida Commission on Human Relations