

10-17-03

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

FILED  
04 MAR 12 PM 1:00  
ADMINISTRATIVE  
HEARINGS  
DWD-Clos

MILDRED M. MOULTRIE,

EEOC Case No. 15DA200483

Petitioner,

FCHR Case No. 22-01284

v.

AT

DOAH Case No. 03-1805

FIRST JUDICIAL CIRCUIT COURT

FCHR Order No. 04-023

Respondent.

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

Preliminary Matters

Petitioner Mildred M. Moultrie 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 First Judicial Circuit Court committed an unlawful employment practice on the basis of Petitioner's race (Black), and on the basis of retaliation, in circumstances surrounding Respondent's failure to hire Petitioner for a position for which she had applied.

The allegations set forth in the complaint were investigated, and, on April 9, 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 Pensacola, Florida, on September 29, 2003, before Administrative Law Judge Don W. Davis.

Judge Davis issued a Recommended Order of dismissal, dated October 17, 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

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.

The Administrative Law Judge concluded that, "Petitioner failed to establish a prima facie case of discrimination on the basis of race by employees or supervisors of Respondent." Recommended Order, ¶ 12. We note that even if a prima facie case had been established by the facts found by the Administrative Law Judge, the facts found also support that a legitimate nondiscriminatory reason existed for not hiring Petitioner as set out at Recommended Order, ¶ 6 and ¶ 7.

We adopt the Administrative Law Judge's conclusions of law.

Exceptions

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

Dismissal

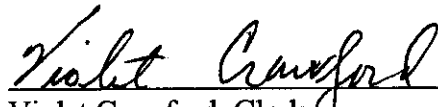
The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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 10<sup>th</sup> 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 10<sup>th</sup> 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

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:

Mildred M. Moultrie  
Post Office Box 17705  
Pensacola, FL 32522

First Judicial Circuit Court  
c/o John Lewis Allbritton, Esq.  
Allbritton & Gant  
322 West Cervantes Street  
Pensacola, FL 32501

Don W. Davis, 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 10<sup>th</sup> day of March, 2004.

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