

10-30-03

FILED  
04 MAR 12 PM 1:00  
DIVISION OF  
ADMINISTRATIVE  
HEARINGS

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

TRUMAN JEFFERY MAYFIELD,

EEOC Case No. NONE

Petitioner,

AT

FCHR Case No. 23-02953

v.

DOAH Case No. 03-3149

KARL'S HABERDASHERY OF FLORIDA,  
INC.,

FCHR Order No. 04-020

Respondent.

EJD-CUB

**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 October 30, 2003, issued in the above-styled matter by Administrative Law Judge Ella Jane P. Davis.

Findings of Fact and Conclusions of Law

Judge Davis' order reflects that Petitioner failed to comply with an Order to Show Cause issued on October 10, 2003, directing Petitioner to show cause why the matter should not be dismissed on the basis that Respondent is not an "employer" within the meaning of the Florida Civil Rights Act of 1992. Judge Davis concluded that the failure to respond amounted to a voluntary dismissal of the Petition for Relief.

We adopt the Administrative Law Judge's conclusion that Petitioner's failure to respond to the Order to Show Cause amounts to a voluntary dismissal of the Petition for Relief. See, Kenny v. Florida Department of Corrections, FCHR Order No. 02-020 (June 3, 2002).

The Administrative Law Judge also found that Respondent was not an "employer" within the meaning of the Florida Civil Rights Act of 1992 in that Respondent "has not employed 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year..."

We adopt the Administrative Law Judge's recommended disposition of the matter.

Exceptions

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

Dismissal

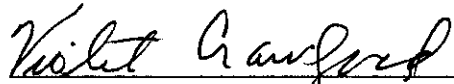
The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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 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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Ella Jane P. 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 10th day of March, 2004.

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