

3-12-04

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

FILED
04 JUN -3 AM 9:52
DIVISION OF
ADMINISTRATIVE
HEARINGS
SDC CWS

RONALD WILSON,

Petitioner,

AT

EEOC Case No. 15DA000000000000

FCHR Case No. 21-02578

v.

DOAH Case No. 03-2288

TALLAHASSEE MEMORIAL HEALTHCARE,

FCHR Order No. 04-054

Respondent.

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

On June 27, 2001, Petitioner filed a complaint of discrimination pursuant to Florida Civil Rights Act of 1992, Sections 760.01-760.11, Florida Statutes (2001), alleging that the Respondent committed an unlawful employment practice when he was unfairly suspended because of his race (black). He was subsequently terminated. The allegations set forth in the complaint were investigated and on May 19, 2003, the Executive Director issued his determination that there was no reasonable cause to believe that a discriminatory act occurred. The Petitioner filed a Petition for Relief which was recommended by the ALJ to be dismissed Judge Diane Cleavinger, issued an Recommended Order dated March 13, 2004.

The Commission panel designated below considered the record of this matter and determined the action to be taken on the Recommended Order for dismissal.

Findings of Fact and Conclusions of Law

Judge Cleavinger found that the Petitioner was a member of a protected class (black) and that he was qualified for his employment and had suffered an adverse employment action (suspension and termination). However, she found that the Petitioner failed to produce any direct evidence that his suspension and discharge was racially motivated and that any non-minority employee who was similarly situated to him were treated any better. She further found that the Respondent provided legitimate, non-discriminatory business reasons for suspending and ultimately terminating him and that the Petitioner failed to provide any credible evidence that the reasons were pre-textual. As to the retaliation charge, she found that the Petitioner failed to establish that the principals involved in the decision to discharge him had notice or knowledge of his charge of discrimination prior to his discharge. She also noted that the Petitioner produced no evidence that he suffered any past or future wage loss as a result of his discharge.

We adopt the Administrative Law Judge's findings of fact, and conclusions of law, that the Respondent did not commit an unlawful employment practice.

Exceptions

Neither party filed any exceptions to the Recommended Order.

Dismissal


The Request 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 2nd day of June, 2004.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS

Commissioner Roosevelt Paige, Chairperson
Commissioner Dominique B. Saliba
Commissioner Billy Whitefox Stall

Filed this 2nd day of June, 2004,
in Tallahassee, Florida.



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

Copies furnished to:

Ronald Wilson
616 Cochran Drive
Tallahassee, Florida 32304

Brian A. Newman, Esquire
PENNINGTON, MOORE, WILKINSON, BELL & DUNBAR, P.A.
215 South Monroe Street, 2nd Floor
PO Box 10095
Tallahassee, Florida 32302-2095

Honorable Diane Cleavinger, Administrative Law Judge (DOAH)

Jim Tait, Legal Advisor for Commission Panel

I HEREBY CERTIFY that a copy of the foregoing has been mailed to the above listed addressees this 2nd day of June, 2004.

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