

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

FILED  
04 JUN -3 AM 9:48  
DIVISION OF  
ADMINISTRATIVE  
HEARINGS

JACQUELINE RENEE BUTLER,

EEOC Case No. 15DA301010

Petitioner,

FCHR Case No. 23-03265

v.

DOAH Case No. 04-1023 *SDC - closed*

DEPARTMENT OF HEALTH,

FCHR Order No. 04-074

Respondent.

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

This matter is before the Commission for consideration of the Order Closing File, dated April 19, 2004, issued in the above-styled matter by Administrative Law Judge Diane Cleavinger.

Findings of Fact and Conclusions of Law

Judge Cleavinger's order reflects that Petitioner failed to comply with orders issued by the Administrative Law Judge requiring Petitioner to file an amended Petition for Relief, noting that an order issued on April 1, 2004, stated, "Failure to fully comply with this Order shall result in dismissal of this action." Ultimately, Judge Cleavinger issued an Order Closing File based on the "Petitioner's willful failure and refusal to comply with all orders issued thus far in this case."

We note that the Commission has concluded that the failure by a Petitioner to comply with an order issued by the Administrative Law Judge has amounted to a voluntary dismissal of the Petition for Relief. See, e.g., Kenny v. Florida Department of Corrections, FCHR Order No. 02-020 (June 3, 2002).

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

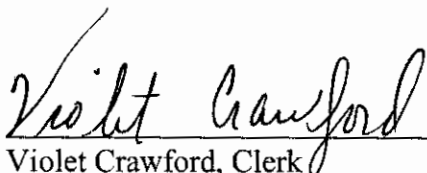
The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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 2<sup>nd</sup> 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 2<sup>nd</sup> day of June, 2004,  
in Tallahassee, Florida.

  
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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:

Jacqueline Butler  
832 South Martin Luther King Blvd.  
Daytona Beach, FL 32114

Florida Department of Health  
c/o Stephen W. Foxwell, Esquire  
4052 Bald Cypress Way, Bin A02  
Tallahassee, Florida 32399-1703

Daniel T. Medved  
Department of Health  
Post Office Box 9190  
Daytona Beach, Florida 32120

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 2<sup>nd</sup> day of June, 2004.

By:   
Clerk of the Commission  
Florida Commission on Human Relations