

2-19-04

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

FILED  
2004 JUN 28 P 1:25  
DIVISION OF  
ADMINISTRATIVE  
HEARINGS

ANNA L. ELAM,

EEOC Case No. 15DA300471

Petitioner,

AT

FCHR Case No. 23-01271

v.

DOAH Case No. 03-3331

RSC-CLDS

FLAGLER COUNTY,

FCHR Order No. 04-062

Respondent.

**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 February 19, 2004, issued in the above-styled matter by Administrative Law Judge Robert S. Cohen.

Findings of Fact and Conclusions of Law

Judge Cohen's order reflects that Petitioner failed to appear at the scheduled administrative hearing in the matter. Consequently, Judge Cohen recommended the Commission issue a final order dismissing the matter based on Petitioner's failure to appear and failure to present evidence in support of the Petition for Relief.

We adopt the Administrative Law Judge's finding as to the nonappearance of Petitioner and conclude that Petitioner has failed to carry her burden of proof.

Exceptions

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

Dismissal

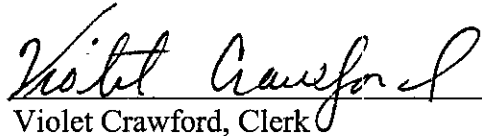
The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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 25<sup>th</sup> day of June, 2004.  
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS:

Commissioner Rita Craig, Panel Chairperson;  
Commissioner Roosevelt Paige; and  
Commissioner Keith Roberts

Filed this 25<sup>th</sup> day of June, 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:

Anna L. Elam  
23 Patric Drive  
Palm Coast, FL 32164

Flagler County  
c/o Andrew B. Thomas, Esq.  
1625 Lakeside Drive  
Deland, FL 32720

Robert S. Cohen, 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 25<sup>th</sup> day of June, 2004.

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