

4-20-04

Rec'd 8/1/04  
cc

STATE OF FLORIDA  
COMMISSION ON HUMAN RELATIONS

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FILED  
DIVISION OF  
ADMINISTRATIVE  
SERVICES  
RSC-clw

JOHN M. DICKSON

EEOC Case No. NONE

Petitioner,

FCHR Case No. 23-02746

AT

v.

DOAH Case No. 03-4673

WAL-MART STORES, INC.

FCHR Order No. 04-090

Respondent.

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

Petitioner, JOHN M. DICKSON, filed a complaint of discrimination on July 3, 2003, pursuant to Florida Civil Rights Act of 1992, Sections 760.01-760.11, Florida Statutes (2001), alleging that the Respondent WAL-MART STORES, INC., committed an unlawful employment practice by based on his disability. The allegations set forth in the complaint were investigated and on September 12, 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 on October 16, 2003. A formal hearing on the Petition for Relief was held in Pensacola, Florida, on February 27, 2004, before the Administrative Law Judge Robert S. Cohen. A one-volume transcript of the hearing was filed on March 26, 2004.

This matter is before the Commission for consideration of the Recommended Order of Dismissal, dated April 20, 2004, issued in the above-styled matter by Administrative Law Judge Robert S. Cohen.

Findings of Fact and Conclusions of Law

The Petitioner was employed by Respondent from September 17, 1999 through July 9, 2002. The Petitioner suffers from diabetes which is controlled medically and does not require insulin. He did not request any accommodation upon hiring and was able to provide full-time work as assigned. He had a work history of difficulty with management and co-workers. The ALJ found no evidence that his diabetes caused any substantial limitation of a major life function and, further found, that his Wal-Mart managers and supervisors had no knowledge of his diabetes or any limitation.

The ALJ further found that, not only did the Respondent provide a legitimate, non-discriminatory business reason for its actions, but that the Petitioner failed to meet the standards for a prima facie case of discrimination. He also failed to present any credible evidence to support a claim that any actions by Respondent were pretextual.

We adopt the Administrative Law Judge's Findings of Fact and Conclusions of Law.

Exceptions

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

Dismissal

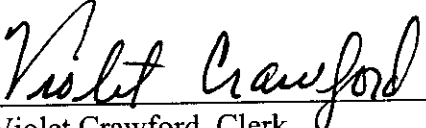
The Petition for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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

Commissioner Donna Elam, Panel Chairperson  
Commissioner Billy Whitefox Stall  
Commissioner P.C. Wu

Filed this 4<sup>th</sup> day of August, 2004,  
in Tallahassee, Florida.

  
\_\_\_\_\_  
Violet Crawford, Clerk  
Commission on Human Relations  
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Honorable Robert S. Cohen, 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 4<sup>th</sup> day of August, 2004.

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