

6-1-04

STATE OF FLORIDA
COMMISSION ON HUMAN RELATIONS

FILED
04 SEP 23 AM 9:46
DIVISION OF
ADMINISTRATIVE
HEARINGS

MILDRED M. PRICE,

EEOC Case No. 15DA200736

Petitioner,

FCHR Case No. 22-02039

v.

AT

DOAH Case No. 03-4709

SDC

ESCAMBIA COUNTY SCHOOL DISTRICT,

FCHR Order No. 04-105

CWS

Respondent.

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

On May 20, 2002, 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 she was unfairly suspended in retaliation for complaining about a race related incident in the school. The allegations set forth in the complaint were investigated and on October 2, 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 and was given a formal evidentiary hearing in Pensacola, Florida, on April 20, 2004. In her opening statement, Petitioner provided no factual basis which could support a cause of action under Chapter 760, F.S. None of the facts iterated by Petitioner were related to Chapter 760, F.S., or to any individual's (including the Petitioner) race, age, gender, handicap, marital status or national origin.

Judge Diane Cleavinger issued a Recommended Order of Dismissal dated June 1, 2004.

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

Findings of Fact and Conclusions of Law

Judge Cleavinger's order states that Petitioner provided no factual basis which could support a cause of action under Chapter 760, F.S. The ALJ noted, in her findings of fact, that non of the facts iterated by Petitioner were related to Chapter 760, F.S., or to any individual's (including the Petitioner) race, age, gender, handicap, marital status or national origin.

We adopt the Administrative Law Judge's finding as to the fact that the Petitioner stated no basis for a claim under Chapter 760, Florida Statutes.

Exceptions

Neither party filed any exceptions to the Recommended Order.

Dismissal

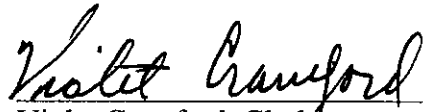
The Request for Relief and Complaint of Discrimination are DISMISSED with prejudice.

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 22nd day of September, 2004.
FOR THE FLORIDA COMMISSION ON HUMAN RELATIONS

Commissioner Rita Craig, Panel Chairperson
Commissioner John Corbett
Commissioner Dominique B. Saliba, M.D

Filed this 22nd day of September, 2004
in Tallahassee, Florida.



Violet Crawford, Clerk
Commission on Human Relations
2009 Apalachee Parkway, Suite 100
Tallahassee, Florida 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:

Mildred M. Price
8436 B Caminiti Lane
Pensacola, FL 32514

Joseph L. Hammons, Esquire
HAMMONS, LONGORIA & WHITTAKER, P.A.
17 West Cervantes Street
Pensacola, FL 32501-3125

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 22nd day of September, 2004.

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