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STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

RONALD JONES,

Petitioner,

vs.

Case No. 22-1276

THE SCHOOL BOARD OF GADSDEN COUNTY,

Respondent.

_____ /

ORDER RELINQUISHING JURISDICTION AND CLOSING FILE

This is a case alleging that Respondent, School Board of Gadsden County, discriminated against Petitioner, Ronald Jones, with respect to his employment or application for employment. It was scheduled for hearing on July 25, 2022; however, on July 14, 2022, Respondent filed a Motion for Summary Recommended Order (Motion), asserting that the allegations in the Petition for Relief do not match the allegations in the complaint of discrimination filed with and investigated by the Florida Commission on Human Relations (FCHR or the Commission); that Petitioner's claims are untimely; and that Petitioner's factual claims have been litigated in previous cases before the Division of Administrative Hearings (DOAH), and are thus barred by *res judicata* or the doctrine of administrative finality. Because the scheduled hearing did not allow sufficient time for Petitioner to respond to the Motion and for any response to be given meaningful consideration prior to the hearing, on July 19, 2022, an Order was issued canceling the hearing and ordering Petitioner to respond to the Motion and show cause why the Motion should not be granted. On July 26, 2022, Petitioner filed a document entitled Objections to Order Canceling Hearing and Requiring Petitioner to Show Cause. As discussed more fully below, Petitioner's response is largely unresponsive to the issues raised, and Respondent's Motion is meritorious.

The first issue raised in the Motion is that the Employment Complaint of Discrimination (Complaint) and the Petition for Relief do not match, and are in fact complaining about different things. The Complaint, filed October 20, 2021, with the Commission, alleges the following:

I believe I have been discriminated against pursuant to Chapter 760 of the Florida Civil Rights Act, and/or Title VII of the Federal Civil Rights Act, and/or the Age Discrimination in Employment Act, and/or the Americans with Disabilities Act as applicable for the following reasons:

I believe I have been discriminated against based on my race (Black), Sex (male), Sexual Orientation (heterosexual), Age (over 40), and Religion (African Hebrew-Israelite). I also believe I am being retaliated against for filing a Whistle Blower complaint and an Employment Discrimination Complaint with the Florida Commission on Human Relations, Federal Court, and Governor's Office. I have been working within the Gadsden County School System since January 2008 as a substitute teacher and have teaching experience. I applied for a Social Studies Teaching position at Gadsden County High School in August 2021. Between August 2021 and September 2021, I called and left several messages on Principal Chelsea Franklin's answering machine, emailed her, and even left a message with her secretary requesting an interview, but she never even called me back.

The Petition for Relief, filed on April 25, 2022, and forwarded to DOAH on April 26, 2022, states in part:

1. I believe that I have been discriminated against because of my religion (An African-Hebrew-Israelite of the Covenantally Chosen Race, one of the True Children of Israel The Back Israel, An Original Jew), sex (male), age (over 40), Gender (Heterosexual), and retaliated against for filing charges with the Florida Commission on Human Relations, a federal law suit in Federal Court and complaint to Governor's Office.
2. I have been working within the Gadsden County School system on and off since 01/1980, and have teaching experience. Since 06/1992, I applied for numerous of teaching positions and never received a full-time teaching position until 01/2008 and was wrongfully fired 08/2008. Since 08/2008, I have been working on and off as a substitute teacher and have teaching experience. I applied for numerous positions in which I qualified to teach, rarely received an interview, and never received a job.
3. In 08/2017, I applied for a job at West Gadsden Middle, I called to set up an interview and my call was transferred to the Assistant Principal. I left a message

and no one called me back. First Principal Valarie Jones said she didn't have a Social Science position but she later hired a person out of my protected area Age and Gender.

* * *

11. Every time I applied for any position within Gadsden County Schools, ineligible to work would appear by my name and to make matters worse, when I applied to a private school in which Gadsden County School Board on advertise their jobs and have authority in their hiring, I was illegally denied employment. For example, I applied for, interviewed and was offered a part-time teaching position at Heart to Heart Christian Academy at \$30.00/hour. Plaintiff started to work that same day in November 2017, started at 9:00 am and worked until 3:00pm and was to report to work the next day from 9:00am to 3:00pm. Plaintiff was called from Gadsden Count School Board that same afternoon and told he could not work at that school and that he would not be getting paid for any time worked. Petitioner never receive (sic) any compensation for the time worked. ...

Paragraphs 13 and 14 also allege issues in considering Petitioner's applications for employment, which he alleges took place from 2017 to September 9, 2020.

As noted by Respondent in its Motion, there is no mention of an August 2021 application or of Principal Chelsea Franklin in the Petition for Relief. As was the case in *Jones v. School Board of Gadsden County*, Case No. 22-0603 (Fla. DOAH Apr. 4, 2022), there is no nexus between what Petitioner alleged in his complaint of discrimination filed with the Commission and his Petition for Relief filed after the Notice of No Reasonable Cause. Petitioner does not address this issue in his Objections to Order Canceling Hearing and Requiring Petitioner to Show Cause.

The claims actually alleged in the Petition for Relief are also more than one year old. Section 760.11(1), Florida Statutes, provides that "[a]ny person aggrieved by a violation of ss. 760.01 -760.10 may file a complaint with the commission *within 365 days of the alleged violation.*" Respondent correctly notes in its Motion that the latest date referenced in the Petition is September 9, 2020, which is more than a year prior to Petitioner's filing of the complaint of discrimination with the Commission on October 20, 2021. Most of the allegations in the Petition for Relief involved actions taken in 2017 through 2019. They are time-barred. *Woodham v. Blue Cross & Blue Shield of Fla.*, 829 So. 2d 891, 894 (Fla. 2002) (claimant must file

a complaint with FCHR within 365 days of the alleged violation); *Richardson v. Recreational Park Mgt., LLC*, 330 So. 3d 104 (Fla. 1st DCA 2021) (same).

Petitioner does not address the timeliness of his Complaint of Discrimination in his Objections to Order Canceling Hearing and Requiring Petitioner to show cause, despite the fact that the Order specifically directed him to address this issue.

Finally, Respondent alleges that the allegations regarding his application to Gadsden County High School, specifically mentioned in the charge, were previously litigated in *Jones v. Gadsden County School Board*, DOAH Case No. 21-3839 (Fla. DOAH Dec. 21, 2021).¹ In that case, the Complaint of Discrimination does not actually include any facts, other than “They don’t hire heterosexual males over the age of 40.” The Petition for Relief in that case includes the following statement:

I have been within the Gadsden County School System since January 2008 as a substitute teacher and have teaching experience. I applied for a Social Studies Teaching position at Gadsden County High School in August 2021. Between August 2021 and September 2021, I called and left several messages on Principal Chelsea Franklin [sic] answering machine, emailed her, and even left a message with her secretary requesting an interview, but she never even called me back.

Other than correcting a typographical error, the allegation is identical. As is the case with the other issues raised in Respondent’s Motion, Petitioner did not address whether he is attempting to relitigate matters that have been addressed in prior cases, or make any effort to explain how it would be permissible. Petitioner is not asserting a change in circumstances, or even acknowledging that he has previously alleged and litigated these same hiring decisions. The premise of administrative finality prohibits litigants from repeatedly raising the same claims, and bars Petitioner from doing so here. *Austin Tupler Trucking, Inc. v. Hawkins*, 377 So. 2d 1059 (Fla. 1979); *Peoples Gas Systems, Inc. v. Mason*, 187 So. 2d 335 (Fla. 1966); *Mann v. Dep’t of Pro. Regul., Bd. of Dentistry*, 585 So. 2d 1059 (Fla. 1st DCA 1991));

As noted above, Petitioner does not respond to any of Respondent’s assertions regarding why this case should be dismissed. The only statement remotely responsive the Motion is that, “[r]ead liberally, Plaintiff’s *pro se* complaint alleges that he was the victim of the Defendant’s purposeful improper administration of Florida’s statute for their own benefit.” Even *pro se* litigants must plead matters that are within the boundaries set by chapter 760. Petitioner’s assertions do not meet this basic requirement. Accordingly, it is

¹ The Motion actually refers to Case No. 21-2829, which is not Petitioner’s case. However, the correct cite is located in the chart earlier in the Motion.

ORDERED:

1. Respondent's Motion is granted.
2. Jurisdiction is relinquished to the Florida Commission on Human Relations for entry of a Final Order dismissing Petitioner's Petition for Relief.
3. The file of the Division of Administrative Hearings is closed.

DONE AND ORDERED this 3rd day of August, 2022, in Tallahassee, Leon County, Florida.



LISA SHEARER NELSON
Administrative Law Judge
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