

STATE OF NORTH CAROLINA
COUNTY OF FORSYTH

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS
16 OSP 02901

<p>KENNETH BROWN PETITIONER,</p> <p>v.</p> <p>FORSYTH COUNTY DEPARTMENT OF SOCIAL SERVICES RESPONDENT.</p>	<p>FINAL DECISION ORDER GRANTING SUMMARY JUDGMENT FOR RESPONDENT</p>
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THIS MATTER was heard August 23, 2016, by the undersigned on Motion of Respondent for Summary Judgment.

It appears to the Undersigned that:

1. Upon Respondent's Motion filed April 29, 2016, this matter was stayed effective May 3, 2016, pending the conclusion of three discrimination charges filed by Petitioner with the Equal Employment Opportunity Commission; and the hearing was removed from the May 23, 2016, calendar for good cause shown pursuant to N.C.G.S.150B-33(a) and upon a showing of extraordinary cause pursuant to 26 N.C.A.C. 03.0118.
2. On August 2, 2016, the stay was dissolved *nunc pro tunc July 21, 2016*.
3. The matter was subsequently rescheduled for hearing on August 23, 2016.
4. Upon Respondent's Motion for Summary Judgment filed on August 5, 2016, Petitioner was allowed until August 19, 2016, to respond; and Petitioner failed to respond.
5. Petitioner waived his right to prosecute his claim of discharge from employment without just cause and his right to prosecute a claim of discharge due to discrimination on the grounds of race, sex, age, and disability.
6. Upon the affidavits and other materials numbered 1 through 28 introduced by Respondent; the materials introduced by Petitioner; and the arguments and authorities presented by the parties, that there is no genuine issue as to any material fact and that Summary Judgment should be allowed as a matter of law.

IT IS THEREFORE ORDERED that Summary Judgment is granted in favor of Respondent against Petitioner and that this action is **DISMISSED**.

NOTICE

This **Final Decision** is issued under the authority of N.C.G.S. § 150B-34.

Pursuant to N.C.G.S. § 126-34.02, any party wishing to appeal the Final Decision of the Administrative Law Judge may commence such appeal by filing a Notice of Appeal with the North Carolina Court of Appeals as provided in N.C.G.S. § 7A-29 (a). The appeal shall be taken within 30 days of receipt of the written notice of final decision. A notice of appeal shall be filed with the Office of Administrative Hearings and served on all parties to the contested case hearing.

This the 8th day of September, 2016.

J Randall May
Administrative Law Judge