

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

DINO J. KAKLAMANOS,

Plaintiff,

v.

CASE NO. 4:12-cv-411-RS-CAS

**PROGRESSIVE CASUALTY INSURANCE
COMPANY,**

Defendant.

_____ /

ORDER

The relief requested in Progressive’s Motion for Partial Summary Judgment (Doc. 6) is **DENIED**. Defendant contends that Plaintiff’s failure to reasonably accommodate claim should be dismissed for failure to exhaust administrative remedies. However, the Florida Commission on Human Relations (“FCHR”) stated in its “Disputed Issues” that “Complainant alleges that, in February, April, and May of 2011, Respondent ignored his requests to work from home as an accommodation for his medical problems.” (Doc. 7-2, p. 11).

The Eleventh Circuit has held, “In light of the purpose of the EEOC exhaustion requirement, we have held that a plaintiff’s judicial complaint is limited by the scope of the EEOC investigation which can reasonably be expected to grow out of the charge of discrimination.” *Gregory v. Ga. Dep’t of Human Res.*, 355

F.3d 1277, 1280 (11th Cir. 2004). The Eleventh Circuit has also stated that “the scope of an EEOC complain should not be strictly interpreted.” *Id.* It is clear that the accommodation issue was present during the EEOC/FCHR administrative investigation. Additionally, given Plaintiff’s specific complaints with the EEOC/FCHR, a failure to accommodate claim could reasonably be expected to grow out of his disability claim. Therefore, Defendant’s motion is **DENIED**.

ORDERED on August 27, 2012.

/S/ Richard Smoak
RICHARD SMOAK
UNITED STATES DISTRICT JUDGE