



INDIANA
CIVIL
RIGHTS
COMMISSION



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ICRC No.: EMha07090471
EEOC No.: 24FA700492

JASON L. UTTER,
Complainant,

v.

FACTORY, INC.,
Respondent.

NOTICE OF ADMINISTRATIVE DISMISSAL

The Deputy Director of the Indiana Civil Rights Commission ("Commission") has administratively dismissed the above-referenced case, for the following reasons: On September 18, 2007 Jason L. Utter ("Complainant") filed a complaint with the Commission against The Factory, Inc. ("Respondent") alleging discrimination based on disability in violation of Title VII of the Civil Rights Act of 1964, as amended, and the Indiana Civil Rights laws.

With the assistance of the ADR Unit, Complainant and Respondent have reached a satisfactory remedy to the complaint. With the completion of this settlement Complainant then agreed to withdraw the complaint of discrimination with the Commission.

In light of the foregoing, the Deputy Director finds (a) administrative dismissal will serve the public interest and (b) there is no substantial likelihood of payment or relief that has been or may be ordered by the Commission. 910 IAC 1-3-2(f) (2000). Thus, upon the exhaustion of

"Morality cannot be legislated, but behavior can be regulated." – Dr. Martin Luther King, Jr

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the administrative appeal process without a reversal of this result, the case will be dismissed, with prejudice. 910 IAC 1-3-2 (i) (2000).

Complainant may appeal this Finding. 910 IAC 1-3-2 (2000). The written appeal request must be filed with the Indiana Civil Rights Commission within fifteen (15) days of receipt of this Notice of Finding and must include any new and additional evidence relied on by Complainant to support the appeal. **Failure to submit a timely appeal may result in a waiver of any right to further review or appeal of this Finding by the Commission or Indiana Courts.** Upon the exhaustion of the administrative right to appeal, the complaint in this case is hereby dismissed with prejudice.

As this complaint was filed under Title VII of the Civil Rights Act, which is enforced by the U.S. Equal Employment Opportunity Commission (EEOC), Complainant has the right to ask the EEOC to review this action. To secure such a review, the request must be made in writing within fifteen (15) days of receipt of this Notice of Finding, and submitted to the EEOC, 101 West Ohio Street, Suite 1900, Indianapolis, IN 46204. Should Complainant fail to seek EEOC review, the EEOC will generally follow and adopt the Commission's action in this case.

April 23, 2009



Barbara Malone, Deputy Director
Indiana Civil Rights Commission

Service List for
Notice of Finding

Served by First Class U.S. Mail, addressed as follows:

Jason L. Utter
1709 Michigan Avenue
Logansport, IN 46947

Quentin Hall, President
The Factory, Inc.
104 East Harrison Street
Monticello, IN 47960

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