

TIMOTHY D. GEE,
Complainant,

vs.

METALDYNE,
Respondent.

FILE DATED

NOV 18 2011

Indiana State Civil Rights Commission

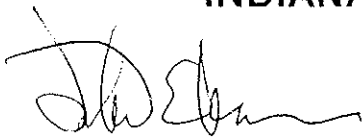
**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
ORDER**

On October 11, 2011, Robert D. Lange, Administrative Law Judge ("ALJ") for the Indiana Civil Rights Commission ("ICRC"), entered his Proposed Findings Of Fact, Conclusions Of Law, And Order ("the proposed decision").

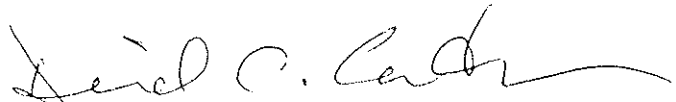
No objections have been filed to the ICRC's adoption of the proposed decision.

Having carefully considered the foregoing and being duly advised in the premises, the ICRC hereby adopts as its own the findings of fact, conclusions of law, and order proposed by the ALJ in the proposed decision, a copy of which is attached hereto and incorporated herein by reference.


INDIANA CIVIL RIGHTS COMMISSION



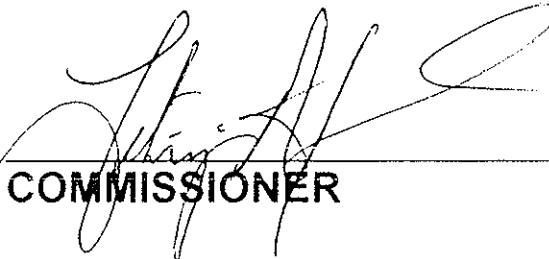
COMMISSIONER



COMMISSIONER



COMMISSIONER



COMMISSIONER

Dated: 18 November 2011

To be served by first class mail, on the following parties and attorneys of record:

Timothy D. Gee
1406 South Hackley Street
Muncie, IN 47302

JOHN H. HASKIN & ASSOCIATES, LLC
BY: Paul A. Logan, Esq.
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Metaldyne
c/o Norman S. Birtch, Human Resources Manager
1817 I Avenue
New Castle, IN 47362

TIMOTHY D. GEE,
Complainant,

vs.

METALDYNE,
Respondent.

FILE DATED

OCT 14 2011

Indiana State Civil Rights Commission

**PROPOSED FINDINGS OF FACT, CONCLUSIONS OF
LAW, AND ORDER**

On September 12, 2011, the undersigned Administrative Law Judge ("ALJ") for the Indiana Civil Rights Commission ("ICRC") entered his ORDER TO SHOW CAUSE. Nothing has been filed in response.

Having carefully considered the foregoing and being duly advised in the premises, the ALJ proposes that the ICRC enter the following findings of fact, conclusions of law, and order.

FINDINGS OF FACT

1. Complainant, Timothy D. Gee ("Gee"), filed this complaint with the ICRC on June 5, 2006, claiming that Respondent Metaldyne denied him a promotion because of race. COMPLAINT OF DISCRIMINATION (June 5, 2006) ("COMPLAINT")
2. Metaldyne has denied the allegations of unlawful discrimination. RESPONSE (July 25, 2006), RESPONSE (August 9, 2006), RESPONSE (August 25, 2006)..

3. After an investigation, the ICRC's Director found probable cause to believe that a violation of the Indiana Civil Rights Law, IC 22-9-1-1 *et. seq.* ("the ICRL") had occurred. NOTICE OF FINDING (December 21, 2006).
4. Pre-Hearing proceedings began but were stayed because Gee had decided to proceed in federal court. ORDER SETTING STATUS CONFERENCE ¶1 (November 27, 2007).
5. No later than September of 2009, Metaldyne filed for bankruptcy protection. ORDER SETTING STATUS CONFERENCE ¶1 (September 16, 2009).
6. The ALJ held, or attempted to hold, a few more Status Conferences after Metaldyne had filed for bankruptcy.
7. At the most recent of those Conferences, the ALJ ordered that, on or before October 12 of 2011, Gee show cause why this matter should not be dismissed. ORDER TO SHOW CAUSE (September 12, 2011).
8. Gee had an opportunity to assert reasons why this case should not be dismissed and did not do so. Under the circumstances, it is appropriate to conclude that there **ARE** no reasons that this case should not be dismissed.
9. Any Conclusion Of Law that should have been deemed a Finding Of Fact is hereby adopted as such.

CONCLUSIONS OF LAW

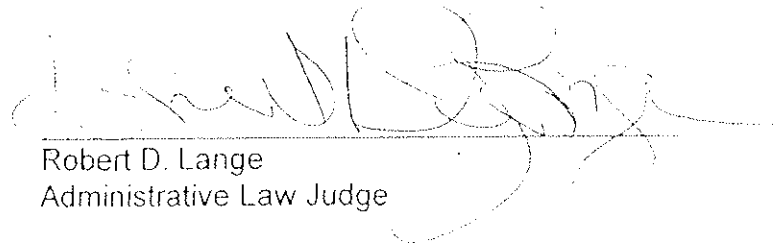
1. The ICRC has jurisdiction over the subject matter and the parties.
2. Gee and Metaldyne are each a "person" as that word is defined in the ICRL. IC 22-9-1-3(a).
3. The election in the NOTICE was made in a timely manner.

4. The Director or Deputy Director is permitted to administratively dismiss a case if "there is no substantial likelihood of payment of relief that ... may be ordered by the commission". 910 IAC 1-3-2(f)(2). This situation is similar.
5. There is, on this record, no reason why this case should not be dismissed.
6. Administrative review of this proposed decision may be obtained by the filing of a writing identifying with reasonable particularity each basis of each objection within 15 days after service of this proposed decision. IC 4-21.5-3-29(d).
7. Any Finding Of Fact that should have been deemed a Conclusion Of Law is hereby adopted as such.

ORDER

1. Gee's COMPLAINT is **DISMISSED**, with prejudice.

Dated: 14 October 2011



Robert D. Lange
Administrative Law Judge

To be served by first class mail this 14th day of October, 2011 on the following parties and attorneys of record:

Timothy D. Gee
1406 South Hackley Street
Muncie, IN 47302

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Metaldyne
c/o Norman S. Birtch, Human Resources Manager
1817 I Avenue
New Castle, IN 47362

and to be served by electronic mail this 14th day of October, 2011 on the following:

Indiana Civil Rights Commission
c/o Jamal L. Smith, Executive Director