

STATE OF INDIANA
CIVIL RIGHTS COMMISSION

DOCKET NO. EMra07120593
EEOC NO. 24FA800095

COREY CLINTON,
Complainant,

v.

KOONTZ-WAGNER
ELECTRIC COMPANY,
Respondent.

FILE DATED

OCT 24 2008

Indiana State Civil Rights Commission

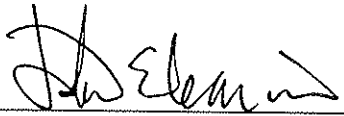
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER


On September 25, 2008, 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: 24 October 2008

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

Corey Clinton
2554 Woodley Drive
Benton Harbor, MI 49022

Koontz-Wagner Electric Company
c/o Trisha Hunicutt, Human Resources Administrative Manager
3801 Voorde Drive
South Bend, IN 46628

JONES OBENCHAIN, LLP
BY: Colin J. Reilly, Esq.
Attorneys for Respondent Koontz-Wagner Electric Company
Post Office Box 4577
South Bend, IN 46634-4577

and to be personally served on the following attorney of record:

Joshua S. Brewster, Esq.; Staff Attorney
Indiana Civil Rights Commission
Indiana Government Center North
100 North Senate Avenue, Room N103
Indianapolis, IN 46204-2255

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SEP 25 2008

Indiana State Civil Rights Commission

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

On September 19, 2008, Complainant, Corey Clinton ("Clinton"), and Respondent, Koontz-Wagner Electric Company ("Koontz-Wagner"), filed their Stipulated Motion To Dismiss With Prejudice.

Having carefully considered the foregoing and being duly advised in the premises the undersigned Administrative Law Judge ("ALJ") for the Indiana Civil Rights Commission ("ICRC") proposes that the ICRC enter the following findings of fact, conclusions of law, and order.

FINDINGS OF FACT

1. Clinton's complaint alleges that he was terminated from employment by Koontz-Wagner because of race. COMPLAINT OF DISCRIMINATION (December 12, 2007).
2. Koontz-Wagner disputes Clinton's claims of unlawful discrimination. NOTICE OF FINDING (April 29, 2008).
3. The Motion is expressly motivated by a settlement.

4. There is no evidence of fraud, coercion, duress, or any other reason not to approve the requested dismissal.
5. 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. Settlement is a favored resolution and should be encouraged.
3. Administrative review of this proposed decision may be obtained by the filing of a writing specifying with reasonable particularity each basis for each objection within 15 days after service of this proposed decision. IC 4-21.5-3-29(d).
4. Any Finding Of Fact that should have been deemed a Conclusion Of Law is hereby adopted as such.

ORDER

1. The Stipulated Motion To Dismiss With Prejudice is **GRANTED**.
2. The Initial Pre-Hearing Conference that had been scheduled for October 1, 2008 is **CANCELLED**.
3. Clinton's complaint is **DISMISSED**, with prejudice.

Dated: 25 September 2008



Robert D. Lange
Administrative Law Judge

To be served by first class mail this 25th day of September, 2008 on the following parties and attorneys of record:

Corey Clinton
2554 Woodley Drive
Benton Harbor, MI 49022

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c/o Trisha Hunicutt, Human Resources Administrative Manager
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JONES OBENCHAIN, LLP
BY: Colin J. Reilly, Esq.
Attorneys for Respondent Koontz-Wagner Electric Company
Post Office Box 4577
South Bend, IN 46634-4577

and to be personally served this 25th day of September, 2008 on the following:

Joshua S. Brewster, Esq.; Staff Attorney
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