

**STATE OF INDIANA
INDIANA CIVIL RIGHTS COMMISSION**

DONNA GROCE,

Complainant,

vs.

CRYOTEC, INC

Respondent,

ICRC NO.: EMse16010928

HUD/EEOC NO.: 24F-2016-00250

DATE FILED

APR 23 2019

ICRC
COMMISSION

FINAL ORDER

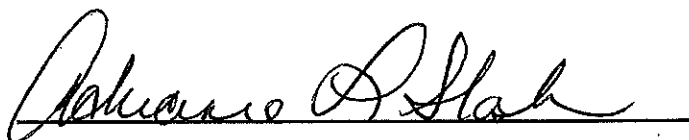
On March 5, 2019, Hon. Caroline A. Stephens Ryker, Administrative Law Judge ("ALJ") for the Indiana Civil Rights Commission ("ICRC") issued her Initial Findings of Fact, Conclusions of Law, and Order ("Order"). The parties had opportunity to object to the Order; neither party objected. With no objection or intent to review on record, the Commission shall affirm the Order. IC 4-21.5-3-29(c). After consideration of the record in this matter and the Order,

THE COMMISSION HEREBY ORDERS:

1. The findings of fact and conclusions of law as stated in the Order, a copy of which is attached hereto, are incorporated herein by reference. IC 4-21.5-3-28(g)(2).
2. The Order is AFFIRMED under IC 4-21.5-3-29 and hereby becomes the Final Order disposing of the proceedings. IC 4-21.5-3-27(a).

Either party to a dispute filed under IC 22-9 may, not more than thirty (30) days after the date of receipt of the Commission's final appealable order, appeal to the court of appeals under the same terms, conditions, and standards that govern appeals in ordinary civil actions. IC 22-9-8-1.

ORDERED by the Commission the majority vote of
4 Commissioners on April 22, 2019



Adrienne Slash, Chair
Indiana Civil Rights Commission

Certificate of Service

Served this 23 day of April by United States Mail on the following:

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A handwritten signature in black ink, appearing to read "Anehitia Eromosele".

Anehitia Eromosele, Docket Clerk

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OFFICE OF THE
ADMINISTRATIVE JUDGE

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

On February 28, 2019, Donna Groce ("Complainant"), by counsel, filed with the Indiana Civil Rights Commission ("Commission") her Motion to Dismiss/Vacate Hearing ("Motion").

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") issues the following initial findings of fact, conclusions of law, and order.

FINDINGS OF FACT

1. Complainant filed a Complaint of Discrimination with the ICRC on January 14, 2016 against Respondent, alleging unlawful employment discrimination on the basis of sex in a violation of the Indiana Civil Rights Law, Ind. Code 22-9 ("the ICRL").
2. On September 13, 2017, the ICRC Deputy Director issued a Notice of Finding, finding probable cause to believe a violation of the ICRL had occurred.
3. On February 28, 2019, the Complainant requested, in writing, that the Complaint be dismissed because Complainant no longer wished to litigate the Complaint.
4. Complainant filed the Motion before a hearing on the record had begun.
5. There is no evidence of fraud, coercion, duress, or any other reason not to grant the requested dismissal.
6. Any Conclusion of Law that should have been deemed a Finding of Fact is hereby adopted as such.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter and the Parties.
2. The Parties did not file a "consent agreement" requiring approval by and signature of a majority of the commissioners and enforceable as a final order. IC 22-9-1-6(o); 910 IAC 1-3-4.
3. In accordance with the Indiana Administrative Code, Complainant may withdraw her complaint. 910 IAC 1-2-6. However, because a hearing was set, the majority of the Commission must consent to the withdrawal in writing. *Id.*
4. Accordingly, the ALJ shall allow the withdrawal of the Complaint, to be reviewed by the Commission at the April 19, 2019 Commission meeting.
5. 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 fifteen (15) days after service of this proposed decision. IC 4-21.5-3-29(d).
6. Any Finding of Fact that should have been deemed a Conclusion of Law is hereby adopted as such.

ORDER

1. The Complainant's Motion is **GRANTED**.
2. Complainant's Complaint of Discrimination is **DISMISSED**, with prejudice.
3. All previously set deadlines, conferences, and hearings are hereby **VACATED**.

Dated this 5th of March, 2019



Hon. Caroline A. Stephens Ryker
Administrative Law Judge
Indiana Civil Rights Commission
100 North Senate Avenue, Room N300
Indianapolis, IN 46204-2255
Anehitia Eromosele, Docket Clerk
317/234-6358

Certificate of Service

Served this 5 day of March in 2019 by United States Mail on the following:

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