

**STATE OF INDIANA
INDIANA CIVIL RIGHTS COMMISSION**

JENNIFER FLORES,

Complainant,

vs.

BENJAMIN'S FAMILY RESTAURANT,

Respondent.

ICRC NO.: EMse15010058

EEOC No.: 24F-2015-00296

DATE FILED

APR 20 2018

**OFFICE OF THE
ADMINISTRATIVE JUDGE**

FINAL ORDER

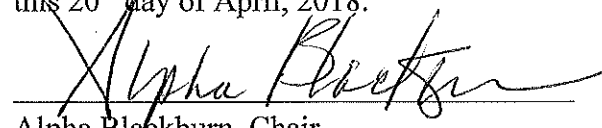
On March 27, 2018, the presiding Administrative Law Judge for the Indiana Civil Rights Commission ("ICRC"), Hon. John F. Burkhardt, issued his Findings of Fact, Conclusions of Law, and Order ("Order"). The parties had opportunity to object to the Order; neither party objected. With no objection or intent 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(b) 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

Adopted by the Commission
this 20th day of April, 2018.


Alpha Blackburn, Chair
Indiana Civil Rights Commission

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**OFFICE OF THE
ADMINISTRATIVE JUDGE**

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

On March 22, 2018, Jennifer Flores ("Complainant") by counsel and Benjamin's Family Restaurant ("Respondent") by counsel (collectively referred to herein as "the Parties") filed with the Indiana Civil Rights Commission ("Commission") their Joint Motion to Dismiss ("Motion").

Having carefully considered the foregoing and being duly advised in the premises, the presiding Administrative Law Judge ("ALJ") for the Indiana Civil Rights Commission ("ICRC"), Hon. John F. Burkhardt, issues the following findings of fact, conclusions of law, and order.

FINDINGS OF FACT

1. Complainant filed the subject Complaint of Discrimination on January 23, 2018 naming the Respondent and alleging unlawful discrimination in employment based on sex in violation of the Indiana Civil Rights Law, Ind. Code 22-9 ("the ICRL").
2. On September 1, 2015, the ICRC Deputy Director issued a Notice of Finding, finding probable cause to believe a violation of the ICRL had occurred.
3. The Parties reached a settlement agreement and move for the matter's dismissal.
4. The Parties did not file their agreement.
5. The Parties jointly filed the Motion before a hearing on the record had begun.
6. There is no evidence of fraud, coercion, duress, or any other reason not to grant the requested dismissal.
7. 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. Administrative review of this decision may be obtained by parties not in default by the filing of a writing identifying with reasonable particularity each basis of each objection within fifteen (15) days after service of this 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 Parties' Motion is **GRANTED**.
2. Jennifer Flores' Complaint of Discrimination is **DISMISSED**, with prejudice.
3. The Parties' shall bear their own costs for maintaining this action.
4. This order becomes the final order disposing of the proceedings immediately upon affirmation under IC 4-21.5-3-29. IC 4-21.5-3-27(a)

Dated this 27TH day of March 2018



Hon. John F. Burkhardt
Administrative Law Judge
Indiana Civil Rights Commission
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