

STATE OF INDIANA
CIVIL RIGHTS COMMISSION

DOCKET NO. EMra08010023
EEOC NO. 24FA800142

CLEM P. BUTLER, SR.;
Complainant,

v.

CORRECTION CORPORATION
OF AMERICA/ MARION,
Respondent.

FILE DATED

Indiana State Civil Rights Commission

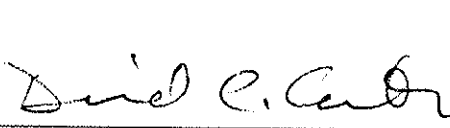



FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

On December 21, 2009, 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: 29 January 2010

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

Clem P. Butler, Sr.
3156 North Capitol Avenue
Indianapolis, IN 46208

Corrections Corporation Of America/ Marion
Susan Lindsey, Esq., Asst. General Counsel
Corrections Corporation of America
10 Burton Hills Boulevard
Nashville, TN 37215

BARNES & THORNBURG LLP
BY: John T.L. Koenig, Esq. and Anne B. Hayes, Esq.
Attorneys for Respondent Corrections Corporation Of America/ Marion
11 South Meridian Street
Indianapolis, IN 46204-3535

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

Michael C. Healy, Esq.; Staff Counsel
Indiana Civil Rights Commission
Attorney for Complainant Clem P. Butler, Sr.
~~Indiana Government Center North~~
~~100 North Senate Avenue, Room N103~~
~~Indianapolis, IN 46204-2255~~

STATE OF INDIANA
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CLEM P. BUTLER, SR.;
Complainant,

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CORRECTION CORPORATION
OF AMERICA/ MARION,
Respondent.

FILE DATED

12/18/09

Indiana State Civil Rights Commission

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

On December 18, 2009, Complainant – Clem P. Butler, Sr. (“Butler”) – and Respondent, Correction Corporation Of America/Marion (“CCA”), filed their Joint Motion To Dismiss (“MOTION”).

Having carefully considered the foregoing and being duly advised in the premises, the undersigned Administrative Law Judge 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. This proceeding involves Butler’s claim that he was denied equal opportunity in employment by CCA because of race when he was terminated in July of 2007. COMPLAINT OF DISCRIMINATION (January 7, 2008).

2. CCA denied Butler's claim of unlawful discrimination. APPEARANCE AND ANSWER (February 6, 2008).
3. The MOTION is expressly motivated by settlement.
4. There is no evidence of fraud, coercion, duress, or any other reason not to approve of the requested dismissal.
5. Any Conclusion Of Law that should have been deemed a Finding Of Fact is hereby adopted as such.

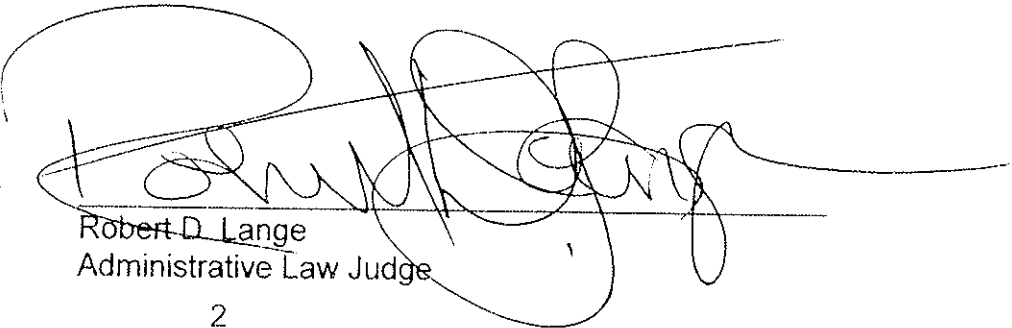
CONCLUSIONS OF LAW

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 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).
4. Any Finding Of Fact that should have been deemed a Conclusion Of Law is hereby adopted as such.

ORDER

1. The parties' Joint Motion To Dismiss is **GRANTED**.
2. Butler's complaint is **DISMISSED**, with prejudice.

Dated: 21 December 2009



Robert D. Lange
Administrative Law Judge

To be served by first class mail this 21st day of December, 2009 on the following parties and attorneys of record:

Clem P. Butler, Sr.
3156 North Capitol Avenue
Indianapolis, IN 46208

Corrections Corporation Of America/ Marion
Susan Lindsey, Esq., Asst. General Counsel
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Nashville, TN 37215

BARNES & THORNBURG LLP
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Attorneys for Respondent Corrections Corporation Of America/ Marion
11 South Meridian Street
Indianapolis, IN 46204-3535

and to be personally served this 21st day of December, 2009 on the following:

Michael C. Healy, Esq.; Staff Counsel
Indiana Civil Rights Commission
Attorney for Complainant Clem P. Butler, Sr.
Indiana Government Center North
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Indiana Civil Rights Commission
c/o Tony A. Kirkland, Executive Director
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