



FILED:
March 30,
2023

**STATE OF INDIANA
OFFICE OF ADMINISTRATIVE LAW PROCEEDINGS**

Carla Mitchell, Complainant, V. Republic Airways, Respondent.	Administrative Cause No.: ICRC-1120-001259 Underlying Agency Action No.: EMra19040198 24F-2019-01287
---	---

FINAL FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

Pursuant to IC 4-21.5 and the Commission's June 19, 2020 Order: Automatic Adoption and Approval of Certain Non-Final Decisions, this Order is final, having been automatically approved by the Indiana Civil Rights Commission.

PROCEDURAL HISTORY & JURISDICTION

The Commission of the Indiana Civil Rights Commission ("ICRC") has subject matter jurisdiction over employment discrimination complaints based on disability that are filed under the Indiana Civil Rights Law ("ICRL"). IND. CODE § 22-9-1-2; IND. CODE § 22-9-1-6. On November 13, 2020, the ICRC, after conducting a neutral investigation, made a probable cause finding on Carla Mitchell's April 2, 2019 complaint that alleged Respondent violated the Indiana Civil Rights Law ("ICRL") by discriminating against Carla Mitchell in the protected area of employment on the basis of sex and race. When a finding of cause is made under the ICRL, pursuant to the Commission's June 19, 2020 Finding of Necessity, the Office of Administrative Law Proceedings ("OALP") shall appoint an Administrative Law Judge ("ALJ") to preside over the matter and to conduct a hearing. IND. CODE § 22-9-1-6; IND. CODE § 4-15-10.5-12; IND. CODE § 4-15-10.5-13.

ISSUE

Is the Parties' Stipulation of Dismissal with Prejudice ("Motion") effective in dismissing this matter?

FINDINGS OF FACT

1. The Motion was filed on March 30, 2023.
2. As represented in the Motion, the Parties stipulate and request that this matter be dismissed.
3. The Motion was served on all Parties before a Notice of Hearing was issued.

4. Additionally, the Parties waived their right to file objections to a decision issued by an ALJ in which the ALJ dismissed this matter.
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, and this Order's statement of Procedural History is incorporated into these Findings of Fact.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter and the Parties. IND. CODE § 22-9-1-2; IND. CODE § 22-9-1-3
2. The Parties did not file a "consent agreement" or "conciliation agreement" that requires the approval and signature of a majority of the Commissioners. IND. CODE § 22-9-1-6(o); 910 IAC 1-3-4; 910 IAC 2-6-5.
3. Furthermore, on June 19, 2020, the ICRC Commission issued its Order: Automatic Adoption and Approval of Certain Non-Final Decisions ("Commission's Order"). As detailed in the Commission's Order (attached as Exhibit A), the Commission, by majority vote, agreed to automatically approve any non-final decision issued by an ALJ in which an ALJ accepts "a joint motion to dismiss, provided the Parties waive their right to object to the ALJ's decision under IAOPA."
4. The Parties filed their Motion prior to the setting of a hearing in this matter, and the Parties waived their right to file objections to the ALJ's decision under the Indiana Administrative Orders and Procedures Act's administrative review process.
5. Accordingly, this matter is dismissed, and pursuant to IC 4-21.5-3-29 and the Commission's Order, this Order is an automatically affirmed as a Final Order disposing of the proceedings. IND. CODE § 4-21.5-3-27(a).
6. Any Finding of Fact that should have been deemed a Conclusion of Law is hereby adopted as such, and this Order's Statement of Jurisdiction is incorporated into these Conclusions of Law.

DECISION

Having duly considered the above, the undersigned Administrative Law Judge ("ALJ") for the Office of Administrative Law Proceedings ("OALP") hereby orders as follows:

1. The Parties' Motion is GRANTED.
2. Carla Mitchell's April 2, 2019 Complaint is DISMISSED, with prejudice.
3. 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. IND. CODE § 22-9-8-1.

SO ORDERED: March 30, 2023

Jalkeston Juggs

Hon. LaKesha Triggs, Administrative Law Judge
Indiana Office of Administrative Law Proceedings
100 North Senate Ave., Room N802
Indianapolis, IN 46204
(317) 234-6689

Distribution List:

The following distribution list includes the names and mailing addresses of all known Parties and other persons to whom notice is being given. IND. CODE § 4-21.5-3-18.

Carla Mitchell: 3240 Aqueous Lane, Indianapolis, IN 46214

Harlan Vondersaar & David Fleischhacker*: 100 North Senate Ave., Room N300, Indianapolis, IN 46204; (317) 232-2600

Republic Airways: 5151 Exploration Drive, Indianapolis, IN 46241

Louis Urbanic of Republic Airways: 8909 Purdue Road #300, Indianapolis, IN 46268

David Carr and Paul Sweeney:* One American Square, Suite 2900, Indianapolis, IN 46282

Chair Slash of the Indiana Civil Rights Commission – ultimate authority and served at docketclerk@icrc.in.gov

**served in care of appearing attorney through ALP system at the email address on file with the Indiana Roll of Attorneys – all other service by mail.*

INDIANA CIVIL RIGHTS COMMISSION
ORDER: AUTOMATIC ADOPTION AND APPROVAL OF CERTAIN NON-FINAL
DECISIONS

On June 19, 2020, the Majority of the Indiana Civil Rights Commission voted, under Indiana Code 4-21.5-3-29, to automatically adopt and approve as a final order any decision issued by an Administrative Law Judge ("ALJ") assigned to a matter under the June 19, 2020 Order: Finding of Necessity in which the assigned ALJ accepts the following:

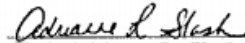
1. A Joint Motion to Dismiss or similar motion in which all parties move for the matter's dismissal and waive their right to file objections to a decision issued by the ALJ under Indiana Code 4-21.5-3-29; and
2. A Notice of Withdrawal filed by Complainant before a date for a hearing has been set, provided the Notice of Withdrawal complies with 910 IAC 1-2-6(A)(i) and 910 IAC 1-2-6(B).

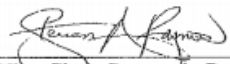
This Order does not apply to any Consent or Conciliation Agreements which require the signature of all approving Commission Members to be effective.

This Order applies with equal force to decisions issued under Indiana Code 22-9, *et. seq.* and Indiana Code 22-9.5, *et. seq.*

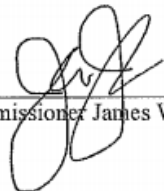
This Order is effective immediately.

SO ORDERED on June 19, 2020 by the majority vote of 4 Commissioners:


Chair Adrienne L. Slash


Vice-Chair Steven A. Ramos


Commissioner Holli Harrington


Commissioner James W. Jackson