

**STATE OF INDIANA
CIVIL RIGHTS COMMISSION**

DOCKET NO. PAr08100650

ALVIN MURPHY,
Complainant,

FILE DATED

MAY 22 2009

v.

Indiana State Civil Rights Commission

**FAMILY CHRISTIAN
STORES #62,**
Respondent.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

On April 23, 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



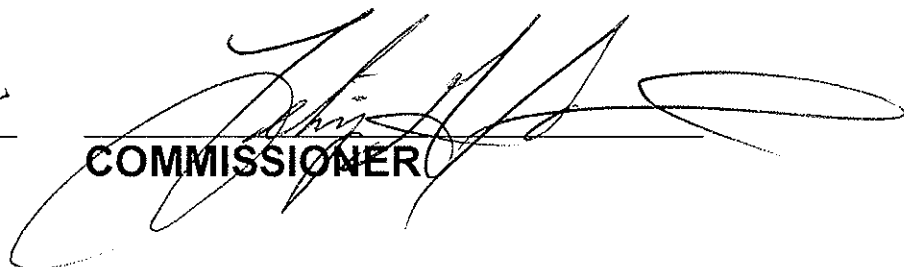
COMMISSIONER



COMMISSIONER



COMMISSIONER



COMMISSIONER

Dated: 22 May 2009

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

Alvin Murphy
4452 Broadway Street
Gary, IN 46408

McCAIN LAW OFFICES, P.C.
BY: Trent A. McCain, Esq.
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5655 Broadway
Merrillville, IN 46410

Family Christian Stores #62
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1932 East 80th Avenue
Merrillville, IN 46410

David J. McPherson, Esq.; General Counsel
Family Christian Stores
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Grand Rapids, MI 49530

TAFT STETTINIUS & HOLLISTER LLP
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One Indiana Square, Suite 3500
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CIVIL RIGHTS COMMISSION**

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ALVIN MURPHY,
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FILE DATED

v.

APR 23 2009

**FAMILY CHRISTIAN
STORES #62,**
Respondent.

Indiana State Civil Rights Commission

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

On April 6, 2009, Complainant, Alvin Murphy ("Murphy"), by counsel, filed his Notice Of Voluntary Dismissal, asserting that he voluntarily dismisses this complaint, and also requesting that the Initial Pre-Hearing Conference be "stricken". On April 8, 2009, the undersigned Administrative Law Judge ("ALJ") for the Indiana Civil Rights Commission ("ICRC") entered his Order providing that any objection to dismissal be filed with the ICRC on or before Monday, April 20, 2009. No objection has been filed.

Having carefully considered the foregoing and being duly advised in the premises, the ALJ proposes that the ICRC enter the following findings of fact, conclusions of law, and order.

FINDINGS OF FACT

1. Murphy's complaint alleges that on October 3 of 2006, he was denied equal access to the services of Respondent Family Christian Stores #62 ("the Store") because of race. COMPLAINT OF DISCRIMINATION (October 30, 2008).

2. The Store denies Murphy's claim of unlawful discrimination. ANSWER (December 1, 2008).
3. Murphy's request to dismiss this matter appears to be voluntary and was made before this matter was set for Hearing and notice of Hearing was sent.
4. Any Conclusion Of Law that should have been deemed a Finding Of Fact is hereby adopted as such.

CONCLUSIONS OF LAW

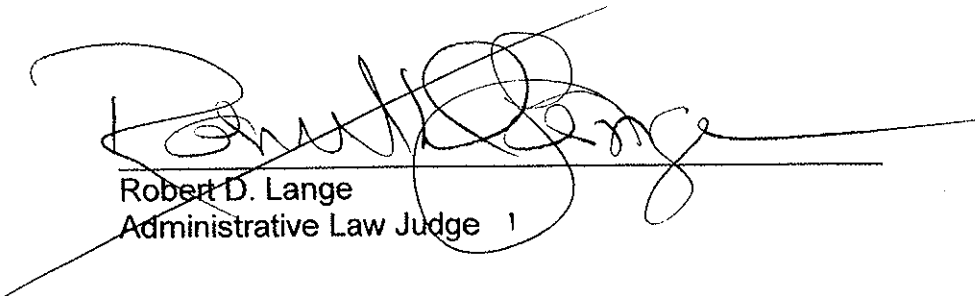
1. The ICRC has jurisdiction over the subject matter and the parties.
2. The ICRC's Rule 2.6(A)(i) provides as follows:
 - (A) Who May Withdraw. A complaint, or any part thereof, may be withdrawn only upon written request as hereinafter set forth:
 - (i) If the request for withdrawal is made before the case has been set for hearing, and notice thereof sent, the Complaint may be withdrawn at the discretion of the Complainant.
910 IAC 1-2-6(A)(i).
3. It is appropriate to dismiss this matter pursuant to Rule 2.6(A)(i).
4. 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).
5. Any Finding Of Fact that should have been deemed a Conclusion Of Law is hereby adopted as such.

ORDER

1. Murphy's Notice Of Voluntary Dismissal is **GRANTED**.

2. The Initial Pre-Hearing Conference that had been scheduled for Monday, April 27, 2009 is **CANCELLED**.
3. Murphy's complaint is **DISMISSED**, with prejudice.

Dated: 23 April 2009



Robert D. Lange
Administrative Law Judge 1

To be served by first class mail this 23rd day of April, 2009 on the following parties and attorneys of record:

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Gary, IN 46408

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BY: Michael C. Terrell, Esq.
Attorneys for Respondent Family Christian Stores #62
One Indiana Square, Suite 3500
Indianapolis, IN 46204

and to be personally served this 23rd day of April, 2009 on the following:

Indiana Civil Rights Commission
c/o Tony A. Kirkland, Executive Director
Indiana Government Center North
100 North Senate Avenue, Room N103
Indianapolis, IN 46204-2255