MITCHELL E. DANIELS, JR., *Governor*
JAMAL L. SMITH, *Executive Director*

ICRC No.: EMha11100687
[redacted]

[redacted],
Complainant,

vs.

MEIJER,
Respondent.

NOTICE OF FINDING

The Deputy Director of the Indiana Civil Rights Commission ("Commission"), pursuant to statutory authority and procedural regulations, hereby issues the following findings with respect to the above-referenced case. Probable cause exists to believe that an unlawful discriminatory practice has occurred. 910 IAC 1-3-2(b)

On October 24, 2011, [redacted] ("Complainant") filed a complaint with the Commission against Meijer ("Respondent") alleging discrimination on the basis of disability in violation of the Indiana Civil Rights Law (IC 22-9, et seq) and [redacted]. Accordingly, the Commission has jurisdiction over the parties and the subject matter of this complaint.

An investigation has been completed. Both parties have had an opportunity to submit evidence. Based on the final investigative report and a review of the relevant files and records, the Deputy Director now finds the following:

The issue presented to the Commission is whether Complainant was denied an employment opportunity due to disability. In order to prevail, Complainant must show that (1) she had an impairment that substantially limits a major life activity; (2) she was qualified for the position; (3) she was denied the position; and (4) an applicant without a disability, who was equally or less qualified, was selected or the position remained open.

The record indicates that Complainant does have a disability, and Respondent is aware that Complainant was receiving Social Security Disability benefits. Furthermore, the evidence indicates that Complainant informed Respondent during her third interview for the job of greeter that she may need some accommodations for her disability. The record suggests that Complainant was qualified for the position. She was the only one of nine applicants to be interviewed, and she proceeded to the third and final interview. The documentation of each interview indicates overall positive impressions with Complainant's suitability for the job, in some cases exceeding requirements. However, Complainant was denied the position. Respondent states that this was due to her "aggressive" attitude during the final interview, but the interviewer's notes do not document such impressions or concerns. Despite Respondent's policy requiring a meeting of all three interviewers following the third interview (for the purpose of creating "alignment on top talent"), no such meeting was held and the decision was made not to hire Complainant. Instead, a

day after Complainant's final interview, Respondent offered the position to a current cashier of the store who requested a transfer.

Based upon the above findings, probable cause exists to believe that an unlawful discriminatory practice may have occurred. A public hearing is necessary to determine whether a violation of the Indiana Civil Rights Law occurred as alleged herein. IC 22-9-1-18, 910 IAC 1-3-5 The parties may agree to have these claims heard in the circuit or superior court in the county in which the alleged discriminatory act occurred. However, both parties must agree to such an election and notify the Commission within twenty (20) days of receipt of this Notice, or the Commission's Administrative Law Judge will hear this matter. IC 22-9-1-16, 910 IAC 1-3-6

May 11, 2012
Date

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Joshua S. Brewster, Esq.,
Deputy Director
Indiana Civil Rights Commission

SERVICE LIST

Served by First Class United States Mail on the following:

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