

OCT 25 2013

INDIANA STATE
CIVIL RIGHTS COMMISSION

STATE OF INDIANA
INDIANA CIVIL RIGHTS COMMISSION

ROGER C. GIBSON, SR.,

Complainant,

vs.

DETRO TRAILER SALES,

Respondent.

) Docket No.: EMha11100654

) EEOC No.: 24F-2012-00018

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

On October 10, 2013, Administrative Law Judge ("ALJ") Noel F. Allen for the Indiana Civil Rights Commission ("ICRC") entered her 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 this 25th day of October 2013.

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

Roger C. Gibson, Sr.
411 W. Pat Rady Way
Bainbridge, IN 46105-9335

Detro Trailer Sales
c/o Daniel Detro, Proprietor
7080 North US Highway 231
Bainbridge, IN 46105-9678

Trudy L. Selvia, Esq.
P.O. Box 894
22 ½ West Washington Street, Suite 202
Greencastle, IN 46135-0894

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

Michael C. Healy, Esq.; Staff Counsel
Indiana Civil Rights Commission
Indiana Government Center North
100 North Senate Avenue, Room N103
Indianapolis, IN 46204-2255

**STATE OF INDIANA
INDIANA CIVIL RIGHTS COMMISSION**

ROGER C. GIBSON, SR.,

Complainant,

vs.

DETRO TRAILER SALES,

Respondent.

) Docket No.: EMha11100654

) EEOC No.: 24F-2012-00018

PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

On October 4, 2013, Complainant, Roger C. Gibson, Sr., and Respondent, Detro Trailer Sales 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. Gibson has shown good cause for the continuance.

FINDINGS OF FACT

1. Mr. Gibson filed a complaint with the ICRC against the Respondent alleging discrimination on the basis of disability when the Respondent laid off Mr. Gibson. COMPLAINT OF DISCRIMINATION (October 5, 2011).

2. The parties have reached a private settlement agreement.

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

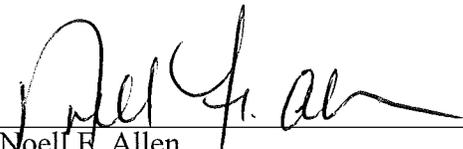
1. The ICRC has jurisdiction over the subject matter and the parties.

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 fifteen (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. Mr. Gibson's filed Complaint of Discrimination is **DISMISSED**, with prejudice.

Dated this 10th day of October 2013.



Noel F. Allen
Administrative Law Judge
Indiana Civil Rights Commission

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

Roger C. Gibson, Sr.
411 W. Pat Rady Way
Bainbridge, IN 46105-9335

Detro Trailer Sales
c/o Daniel Detro, Proprietor
7080 North US Highway 231
Bainbridge, IN 46105-9678

Trudy L. Selvia, Esq.
P.O. Box 894
22 ½ West Washington Street, Suite 202
Greencastle, IN 46135-0894

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

Michael C. Healy, Esq.; Staff Counsel
Indiana Civil Rights Commission
Indiana Government Center North
100 North Senate Avenue, Room N103
Indianapolis, IN 46204-2255