

**STATE OF INDIANA
INDIANA CIVIL RIGHTS COMMISSION**

MYRON ATKINS,

Complainant,

vs.

HEARTLAND FOOD PRODUCTS,

Respondent.

) Docket No.: EMra16041136

) EEOC No.: 24F-2016-00540

File Dated

FEB 16 2018

Indiana Civil Rights Commission

FINAL ORDER

On January 5, 2018, the presiding Administrative Law Judge for the Indiana Civil Rights Commission ("ICRC"), Hon. John F. Burkhardt, issued Proposed Findings of Fact, Conclusions of Law, and Order ("Order"). The parties had opportunity to object to the Order; neither party objected. With no objection or intent to review on record, the Commission shall affirm the Order. IC 4-21.5-3-29(c) After consideration of the record in this matter and the Order,

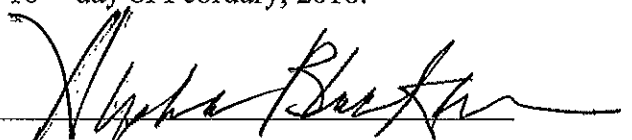
THE COMMISSION HEREBY ORDERS:

1. The findings of fact and conclusions of law as stated in the Order, a copy of which is attached hereto, are incorporated herein by reference. IC 4-21.5-3-28(f)(2)
2. The Order is **AFFIRMED** under IC 4-21.5-3-29 and hereby becomes the Final Order disposing of the proceedings. IC 4-21.5-3-27(a)

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. IC 22-9-8-1

ORDERED by the Commission

this 16TH day of February, 2018.


Alpha Blackburn, Chair

Indiana Civil Rights Commission

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DATE FILED

JAN 05 2018

OFFICE OF THE
ADMINISTRATIVE JUDGE

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

On November 8, 2017, Myron A. Atkins (“Complainant”) and TC Heartland, LLC d/b/a Heartland Food Products Group (“Respondent”) (collectively referred to herein as “the Parties”) filed with the Indiana Civil Rights Commission (“Commission”) their Joint Motion to Dismiss (“Motion”).

Having carefully considered the foregoing and being duly advised in the premises, the presiding Administrative Law Judge (“ALJ”) for the Indiana Civil Rights Commission (“ICRC”), Hon. John F. Burkhardt, proposes that the ICRC enter the following findings of fact, conclusions of law, and order.

FINDINGS OF FACT

1. Complainant filed the subject Complaint of Discrimination on April 18, 2016 naming the Respondent and alleging unlawful discrimination based on race in violation of the Indiana Civil Rights Law, Ind. Code 22-9 (“the ICRL”).

2. On January 6, 2017, the Commission’s previous Deputy Director, Barbara Malone, issued her Notice of Finding, finding probable cause to believe a violation of the ICRL had occurred.

3. The Parties reached a settlement agreement and move for the matter’s dismissal with prejudice, each party agreeing to bear its own costs of maintaining this action.

4. The Parties did not file their agreement.

5. The Parties jointly filed the Motion before a hearing on the record had begun.

6. There is no evidence of fraud, coercion, duress, or any other reason not to grant the requested dismissal.

7. Any Conclusion of Law that should have been deemed a Finding of Fact is hereby adopted as such.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter and the Parties.

2. The Parties did not file a "consent agreement" requiring approval by and signature of a majority of the commissioners and enforceable as a final order. IC 22-9-1-6(o); 910 IAC 1-3-4

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).

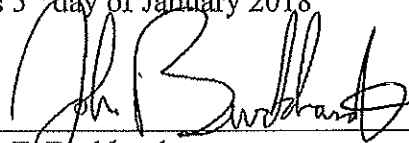
4. Any Finding of Fact that should have been deemed a Conclusion of Law is hereby adopted as such.

ORDER

1. The Parties' Motion is **GRANTED**.

2. Myron Atkin's Complaint of Discrimination is **DISMISSED**, with prejudice.

Dated this 5th day of January 2018



Hon. John F. Burkhardt
Administrative Law Judge
Indiana Civil Rights Commission
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