

STATE OF INDIANA
CIVIL RIGHTS COMMISSION

DOCKET NO. EMha06020040
EEOC NO. 24FA600087

TIMMY MENJOHANS,
Complainant,

FILE DATED

NOV 09 2007

VS.

Indiana State Civil Rights Commission

COMMERCIAL TRANSPORT
INCORPORATED,
Respondent.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

On October 19, 2007, 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

Alpha Blackburn, Chairperson

David C. Carter, Vice-Chairperson

Barry Baynard, Commissioner

Tehiji G. Crenshaw, Commissioner

John E. Garcia, Commissioner

Charles D. Gidney, Commissioner

Steven A. Ramos, Commissioner

Dated: 09 November 2007

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

Timmy Menjohans
2040 Bayside Parkway
Fort Myers, FL 33901

Commercial Transport Incorporated
c/o Chief Executive Officer
854 Bethel Road
Beech Grove. IN 46107

Commercial Transport Incorporated
c/o Dan Athmer, Director
Safety & Compliance
Commercial Transport, Inc.
Box 469
Belleville, IL 62222

LEWIS WAGNER LLP
BY: Stephanie L. Cassman, Esq. and Tammy J. Meyer, Esq.
Attorneys for Respondent Commercial Transport Incorporated
501 Indiana Avenue Suite 200
Indianapolis, IN 46202

and to be personally served on the following:

Joshua Brewster, Esq.; Staff Attorney
Indiana Civil Rights Commission
Indiana Government Center North
100 North Senate Avenue, Room N103
Indianapolis, IN 46204-2255

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COMMERCIAL TRANSPORT
INCORPORATED,
Respondent.

Indiana State Civil Rights Commission

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

On October 17, 2007, Complainant, David Menjohans ("Menjohans"), filed his Stipulated Motion To Dismiss, a motion to which Respondent, Commercial Transport Incorporated ("CTI"), has not responded.

Having carefully considered the foregoing and being duly advised in the premises the undersigned Administrative Law Judge ("ALJ") for the Indiana Civil Rights Commission ("ICRC") proposes that the ICRC enter the following findings of fact, conclusions of law, and order.

FINDINGS OF FACT

1. Menjohans' complaint alleges that, in October of 2005, he was unlawfully denied employment by CTI because of disability. COMPLAINT OF DISCRIMINATION (January 22, 2006).

2. CTI disputes Menjohans' claims of unlawful discrimination. ANSWER (March 7, 2006).
3. Menjohans' Motion is expressly motivated by a settlement.
4. There is no evidence of fraud, coercion, duress, or any other reason not to approve the stipulated dismissal.
5. Any Conclusion Of Law that should have been deemed a Finding Of Fact is hereby adopted as such.

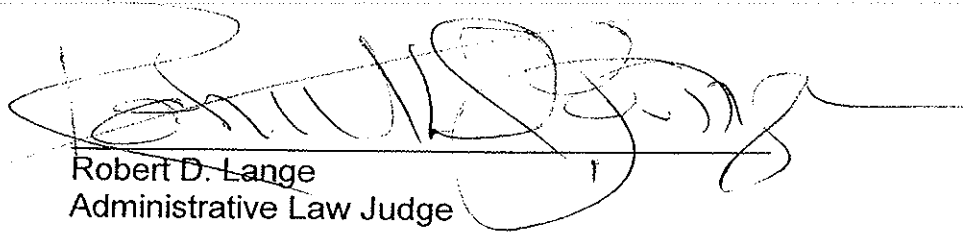
CONCLUSIONS OF LAW

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 specifying with reasonable particularity each basis for 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. Menjohans' Stipulated Motion To Dismiss is **GRANTED**.
2. Menjohans' complaint is **DISMISSED**, with prejudice.

Dated: 19 October 2007


Robert D. Lange
Administrative Law Judge

To be served by first class mail this 19th day of October, 2007 on the following parties and attorneys of record:

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2040 Bayside Parkway
Fort Myers, FL 33901

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c/o Chief Executive Officer
854 Bethel Road
Beech Grove. IN 46107

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Indianapolis, IN 46202

and to be personally served this 19th day of October, 2007 on the following:

Joshua Brewster, Esq.; Staff Attorney
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Indiana Government Center North
100 North Senate Avenue, Room N103
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Indiana Civil Rights Commission
c/o The Honorable Gregory Kellam Scott, Esq.; Director
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Indianapolis, IN 46204-2255