



# INDIANA CIVIL RIGHTS COMMISSION

JAMAL L. SMITH, EXECUTIVE DIRECTOR  
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Indianapolis, IN 46204

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ICRC No.: EMha08040200  
EEOC No.: 24F200800289

**VERTIS SHIRLEY,**  
Complainant,

v.

**MAJESTIC STAR CASINO & HOTEL,**  
Respondent.

## NOTICE OF LACK OF JURISDICTION

The Deputy Director hereby administratively dismisses this complaint, following an initial finding of probable cause, pursuant to 910 IAC 1-3-2(e)(3). The Indiana Civil Rights Commission has received information indicating that Complainant filed the same or similar complaint with the Gary Human Relations Commission on or about March 19, 2008. At the same time, this claim was "dual filed" with the U.S. Equal Employment Opportunity Commission. The Indiana Civil Rights Law states that a person who has filed with a local human rights agency may not also file with the Indiana Civil Rights Commission. IC 22-9-1-12.1(d) Furthermore, this claims was resolved by a written settlement agreement on June 9, 2008. Said agreement specifically states "this agreement when signed by the parties involved constitutes the withdrawal by the person claiming to be aggrieved of the charge filed with the Indiana Civil Rights Commission arising out of the same set of circumstances as the Equal Employment Opportunity Commission charge which is here in resolved." Therefore, the Indiana Civil Rights Commission does not have jurisdiction over this particular case.

Complainant may appeal this Finding. 910 IAC 1-3-2 (g) The written appeal request must be filed with the Indiana Civil Rights Commission within fifteen (15) days of receipt of this Notice of Finding and must include any new and additional evidence relied on by Complainant to support the

appeal. Failure to submit a timely appeal may result in a waiver of any right to further review or appeal of this Finding by the Commission or Indiana courts. Upon exhaustion of the administrative right to appeal, the complaint in this case is hereby dismissed with prejudice.

August 26, 2010

Date



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

**Service list for  
Notice of Finding**

Served by First Class United States Mail upon the following:

Vertis Shirley  
2517 East 22<sup>nd</sup> Place  
Gary, IN 46407

Majestic Star Casino and Hotels  
Attn: Christine Lacy, Employee Relations Specialist  
One Buffington Harbor Drive  
Gary, IN 46406

Michael Padgett  
Jackson Lewis  
201 North Illinois St., #1600  
Indianapolis, IN 46204

And personally served on:

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Mike Healy  
Attorney for Complainant  
100 N. Senate Ave., N103  
Indianapolis, IN 46204

Judge Robert Lange  
100 N. Senate Ave., N103  
Indianapolis, IN 46204