



INDIANA CIVIL RIGHTS COMMISSION

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Indianapolis, IN 46204

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ICRC No.: EMra08090603
EEOC No.: 25FA800608

BURTON DAVIS,
Complainant,

v.

PEPSI AMERICAS, INC.,
Respondent.

NOTICE OF ADMINISTRATIVE DISMISSAL

The Indiana Civil Rights Commission ("Commission") has administratively dismissed the above referenced case because Complainant has unreasonably failed to cooperate in the prosecution of this matter. 910 IAC 1-3-2(d)(1) Numerous attempts have been made by the Commission's Staff Attorney to contact Complainant by telephone and mail to discuss a possible resolution of the claims, given the fact that Complainant has lost no wages as a result of Respondent's alleged adverse employment action. Complainant has failed to respond to these efforts at communication. Because the Indiana Civil Rights Law states that remedies in employment discrimination matters are limited to lost wages, it is reasonable to conclude further prosecution of the claims are not in the public interest. This case is therefore dismissed with prejudice.

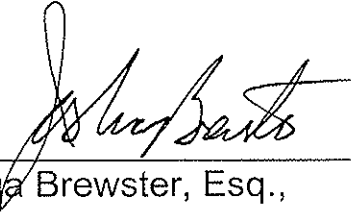
Complainant may appeal this Notice. 910 IAC 1-3-2 (g) The written appeal request must be filed with the Indiana Civil Rights Commission within fifteen (15) days of receipt of this Notice of Finding and must include any new and additional evidence relied on by Complainant to support the appeal. **Failure 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 the exhaustion of the administrative right to appeal, the complaint in this case is hereby dismissed with prejudice.

"Morality cannot be legislated, but behavior can be regulated." – Dr. Martin Luther King, Jr

As this complaint was filed under Title VII of the Civil Rights Act, which is enforced by the U.S. Equal Employment Opportunity Commission (EEOC), Complainant has the right to ask the EEOC to review this action. To secure such a review, the request must be made in writing within fifteen (15) days of receipt of this Notice of Finding, and submitted to the EEOC, 101 West Ohio Street, Suite 1900, Indianapolis, IN 46204. Should Complainant fail to seek EEOC review, the EEOC will generally follow and adopt the Commission's action in this case.

July 19, 2010

Date



Joshua Brewster, Esq.,

Deputy Director

Indiana Civil Rights Commission

Service list for
Notice of Administrative Dismissal

Served by First Class U.S. Mail upon the following:

Burton Davis
1037 Gerry St.
Gary, IN 46406-2059

Pepsi Americas, Inc.
9300 Calumet Ave.
Munster, IN 46321-2810