

STATE OF INDIANA
CIVIL RIGHTS COMMISSION

DOCKET NO. EMre08010040
EEOC NO. 24F-2008-0158F

HEATHER KIMBROUGH,
Complainant,

FILE DATED

v.

SEP 25 2009

SPINAL AID; and SPINAL AID
CENTERS OF AMERICA, INC.;
Respondents.

Indiana State Civil Rights Commission

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

On August 28, 2009, 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



COMMISSIONER



COMMISSIONER



COMMISSIONER



COMMISSIONER

Dated: 25 September 2009

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

Heather Kimbrough
6393 Juliet Drive
Avon, IN 46123-8107

MACEY SWANSON AND ALLMAN.
BY: Kimberly D. Jeselskis, Esq.
Attorneys for Complainant Heather Kimbrough
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Indianapolis, IN 46204-1800

Spinal Aid
c/o John A. Dettmer, DC, proprietor
106 North State Road 267
Avon, IN 46123

Spinal Aid Centers of America, Inc.
c/o Chief Executive Officer
27900 US Highway 19 North
Clearwater, FL 33761

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One American Square
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HEATHER KIMBROUGH,
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AUG 28 2009

v.

Indiana State Civil Rights Commission

SPINAL AID; and SPINAL AID
CENTERS OF AMERICA, INC.;
Respondents.

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

On August 26, 2009, Complainant, Heather Kimbrough ("Kimbrough"), filed Complainant's Stipulation Of Dismissal.

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.

FINDINGS OF FACT

1. This proceeding involves Kimbrough's claim that she was terminated from her position because of religion. CHARGE OF DISCRIMINATION (January 7, 2008).
2. Respondents denied Kimbrough's claim of unlawful discrimination. ANSWER (February 21, 2008).

3. The Stipulation is apparently motivated by settlement. See ORDER SCHEDULING STATUS CONFERENCE (July 21, 2009).
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.

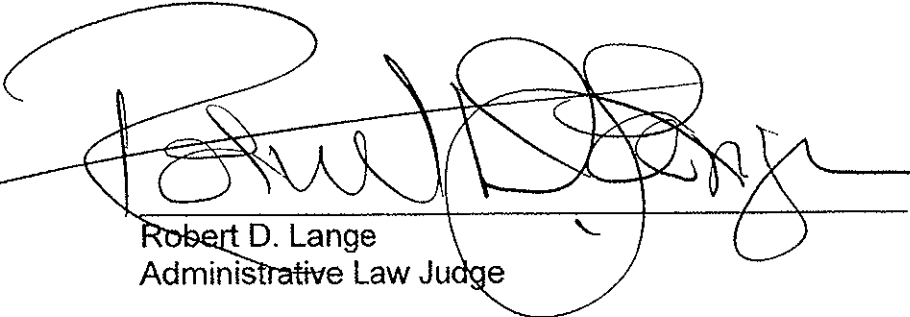
CONCLUSIONS OF LAW

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 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. Complainant's Stipulation Of Dismissal is **GRANTED**.
2. Kimbrough's complaint is **DISMISSED**, with prejudice.

Dated: 28 August 2009



Robert D. Lange
Administrative Law Judge

To be served by first class mail this 28th day of August, 2009 on the following party and attorneys of record:

Heather Kimbrough
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Avon, IN 46123-8107

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ICE MILLER LLP
BY: Michael L. Tooley, Esq.
Attorneys for Respondents Spinal Aid and Spinal Aid Centers of America, Inc.
One American Square
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and to be personally served this 28th day of August, 2009 on the following:

Indiana Civil Rights Commission
c/o Tony A. Kirkland, Executive Director
Indiana Government Center North
100 North Senate Avenue, Room N103
Indianapolis, IN 46204-2255