

**BEFORE THE
STATE EMPLOYEES' APPEALS COMMISSION**

IN THE MATTER OF:

ROBBIE MARSHALL)
Petitioner,)
) SEAC No. 01-17-002
vs.)
)
WABASH VALLEY CORRECTIONAL)
INSTITUTE BY INDIANA)
DEPARTMENT OF CORRECTION)
Respondent.)

ISSUED

JAN 09 2020

STATE EMPLOYEES'
APPEALS COMMISSION

**FINAL ORDER
OF THE STATE EMPLOYEES' APPEALS COMMISSION**

On September 11, 2019, the assigned Administrative Law Judge (ALJ) issued notice and a copy of "Findings of Fact, Conclusions of Law and Non-Final Order of Administrative Law Judge" granting judgment to Respondent Wabash Valley Correctional Institute by Indiana Department of Correction ("Respondent") (the "ALJ's Order"), which is hereby incorporated by reference as if fully set forth in this document. Petitioner Marshall timely filed objections, to which Respondent replied.

Thereafter, on November 12, 2019, the Commission held oral argument, but ordered further briefing on the *res judicata* effect of the decision in Petitioner's concurrent federal case, which was issued following the ALJ's Non-Final Order.

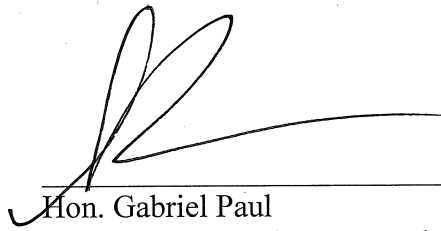
On January 8, 2020, the Commission held a special meeting in order to hear argument on the above. At both meetings, Petitioner appeared by counsel, Ms. Jamie Maddox. Respondent appeared by counsel, Mr. David Fleischhacker. Upon public deliberation, motion and 4-0-1 vote at the latter meeting, the Commission **AFFIRMED** the ALJ's Order in its entirety.¹

Accordingly, the ALJ's Order is hereby adopted in its entirety as the Findings of Fact, Conclusions of Law and Final Order of the Commission pursuant to the public Commission decision. Ind. Code § 4-21.5-3. This written copy of the order is thus issued on the Commission's behalf by the undersigned.

¹ Commissioners Mayes, Springer, and Wilkinson voted to affirm the ALJ's Order based on the merits while Commissioner Sullivan voted to affirm based on the principle of Res Judicata, but concurred with the end result of the vote. Commissioner Hanahan abstained from voting.

The Commission is the ultimate authority, and the action is its Final Order and determination in this matter. A person who wishes to seek judicial review must file a petition with an appropriate court within thirty (30) days and must otherwise comply with I.C. § 4-21.5-5.

DATED: January 9, 2019



Hon. Gabriel Paul
Chief Administrative Law Judge
State Employees' Appeals Commission
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A copy of the foregoing was sent via email to the following:

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