

**BEFORE THE
STATE EMPLOYEES' APPEALS COMMISSION**

IN THE MATTER OF:

M.W.)
Petitioner,)
) SEAC No. 04-17-027
vs.)
)
INDIANA DEPARTMENT OF)
CHILD SERVICES)
Respondent.)

ISSUED
APR 30 2019
STATE EMPLOYEES'
APPEALS COMMISSION

FINAL ORDER
OF THE STATE EMPLOYEES' APPEALS COMMISSION

On February 13, 2019, the assigned Administrative Law Judge (ALJ) issued notice and a copy of his “Findings of Fact, Conclusions of Law and Non-Final Order of Administrative Law Judge” granting summary judgment to both Petitioner M.W. (“Petitioner”) and Respondent Indiana Department of Transportation (“Respondent”) (the “ALJ’s Order”), which is hereby incorporated by reference as if fully set forth in this document. Respondent timely filed objections, to which Petitioner M.W. replied.

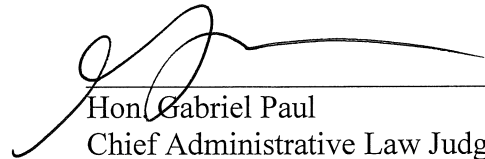
Thereafter, on April 30, 2019, the Commission held a public oral argument on this matter during its regular meeting. Petitioner appeared by counsel, Mr. Glen Koch. Respondent appeared by counsel, Ms. Whitney Fritz. After public deliberation, the vote was 2-2. Under I.C. § 4-15-1.5-5, a majority of the Commission members is needed in order to adopt or approve any official action, including the status of the ALJ’s Order.¹ In the present case, since such a majority was not obtained, no official action was taken on the ALJ’s Order; thus, it STANDS.

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.

The Commission is the ultimate authority, and the action is its Final Order and determination in this matter. Respondent is again ordered to reinstate Petitioner at a time mutually agreed-upon between the Parties. 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.

¹ While I.C. § 4-15-1.5-1 allows for five (5) members on the commission, there currently exists one (1) vacancy.

DATED: April 30, 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:

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