BEFORE THE
STATE EMPLOYEES' APPEALS COMMISSION

IN THE MATTER OF:

NICOLE NABINGER Petitioner, vs. INDIANA DEPARTMENT OF CHILD SERVICES Respondent.	))) SEAC No. 04-19-033)))))	ISSUED NOV 25 2019 STATE EMPLOYEES' APPEALS COMMISSION

ORDER GRANTING RESPONDENT'S MOTION FOR SUMMARY JUDGMENT

I. Introduction and Summary

On September 9, 2019, the Indiana Department of Child Services ("Respondent") by counsel, filed a Motion ("Motion") for Summary Judgment under Ind. T.R. 56, seeking to dismiss Petitioner Nicole Nabinger's ("Petitioner") Complaint ("Complaint"). On October 9, 2019, Petitioner filed a Reply to Respondent's Motion. Thereafter, Respondent filed a surreply on October 24, 2019.

Thus, the ALJ makes this decision based upon Petitioner's original Complaint filed on April 30, 2019, Respondent's Motion, Petitioner's Reply and Respondent's surreply.[1] This case considers Petitioner's termination for violating Respondent's Child Welfare Policy, Code of Conduct, and Indiana law. Petitioner contends that the discipline given to her was not for just cause.

After review of the pertinent pleadings noted above, the ALJ finds Respondent's Motion meritorious and hereby **Grants** it. Petitioner's Complaint, with its factual allegations accepted as true, fails to state a material issue of fact, which could cause SEAC to retain jurisdiction over this matter. Respondent must show that as a classified employee under I.C. § 4-15-2.2-23, Petitioner's discipline was issued for just cause under I.C. § 4-15-2.2-42(g), which it has done. Thus, this case must be dismissed. The following additional findings of fact, conclusions of law, and final order of dismissal for lack of jurisdiction are entered.

[1] Commission proceedings are governed by the Administrative Orders and Procedures Act (AOPA), I.C. § 4-21.5 *et seq.* *See* I.C. § 4-15-1.5-6(1). Accordingly, the Commission has delegated to its Administrative Law Judges pursuant to I.C. § 4-21.5-3-28 of AOPA, the authority to issue final orders in this class of proceedings.

II. Summary Judgment Standard

Summary Judgment is appropriate when there are no genuine issues of material fact and the moving party is entitled to judgment as a matter of law. *Simon Prop. Grp., L.P. v. Acton Enterprises, Inc.*, 827 N.E.2d 1235, 1238 (Ind. Ct. App. 2005). A party seeking summary judgment bears the burden to make a prima facie case showing that there are no genuine issues of material fact and that the party is entitled to judgment as a matter of law. *Id. See also Am. Mgmt., Inc. v. MIF Realty L.P.,* 666 N.E.2d 424, 428 (Ind. Ct. App. 1996). Once the moving party satisfies this burden through evidence designated to the trial court pursuant to T.R. 56, the nonmoving party may not rest on its pleadings, but must designate specific facts demonstrating the existence of a genuine issue for trial. *Simon Prop. Grp., L.P.*, 827 N.E.2d at 1238; *Am. Mgmt., Inc*, 666 N.E.2d at 428.

The court must accept as true those facts alleged by the nonmoving party, construe the evidence in favor of the nonmovant, and resolve all doubts against the moving party. *Simon Prop. Grp., L.P.* at 1238; *Shambaugh & Son, Inc. v. Carlisle,* 763 N.E.2d 459, 461 (Ind. 2002). "A fact is material if its resolution would affect the outcome of the case, and an issue is genuine if a trier of fact is required to resolve the parties' differing accounts of the truth or if the undisputed material facts support conflicting reasonable inferences." *Celebration Worship Ctr., Inc. v. Tucker*, 35 N.E.3d 251, 253 (Ind. 2015).

I. Findings of Fact

The facts relevant to the instant Motion's resolution, as construed in favor of the non-movant Petitioner, are as follows:

1. At all relevant times, Petitioner was a Family Case Manager ("FCM") in Kosciusko County (Pet'r Compl., Pet'r Reply).

2. Petitioner's Annual Performance Appraisals ("Appraisal") for the years 2009 through 2018 reflected an overall performance rating of "Meets Expectations" (Pet'r Reply Ex. 13).

3. Petitioner's 2009, 2016, and 2018 Interim Appraisals (January through June) reflected an overall performance rating of "Meets Expectations" (Pet'r Reply Ex. 13).

4. On February 2, 2018 and January 16, 2019, Petitioner acknowledged that she was responsible for reading and complying with Respondent's policies (Resp't Motion Ex. N).

5. On July 27, 2018, all of Respondent's employees received an email from Respondent's new Director, Terry Stigdon ("Stigdon"), in which she posed general thought-provoking questions concerning Respondent's teamwork—specifically questions that revolved around trust, conflict, commitment, accountability, and results (Pet'r Reply Ex. 5 at 3; Resp't Surreply Ex. A).

6. On August 9, 2018, Petitioner replied directly to Stigdon with detailed answers to the generalized questions (Pet'r Reply Ex. 5 at 3; Resp't Surreply Ex. B).

7. On August 9, 2018, Stigdon replied that she did not expect anyone to provide answers to her questions, but that she would provide Petitioner's answers to the field operations team and would take steps to hide Petitioner's identity in doing so (Pet'r Reply Ex. 5 at 4; Resp't Surreply Ex. B).

8. On August 10, 2018, Petitioner told Stigdon via email that she was fine with her answers being shared so long as her name was not attached (Resp't Surreply Ex. B).

9. The Word document containing Petitioner's answers was shared with Regional Manager Erin Shidler, ("Shidler") who in turn provided the information to Kosciusko County Office Director Lindsay Castro ("Castro") (Pet'r Reply Ex. 5 at 4; Resp't Surreply Ex. B).

10. Petitioner was subsequently brought to Castro's office and received verbal reprimands and counselings as the email to Stigdon was a violation of the chain of command (Pet'r Reply Ex. 5 at 5-6).

11. On October 15, 2018, at 12:19 P.M., Respondent's Child Abuse and Neglect Hotline ("Hotline") received two separate reports of alleged neglect and drug abuse concerning two separate families from one (1) neighbor (Resp't Motion Ex. D; Pet'r Reply Exs. 1, 2).

12. One of the claims was screened out due to prior reports concerning the same family and was therefore not sent to a local office (Pet'r Reply Ex. 3).

13. On October 15, 2018, at 7:24 P.M., Respondent's Hotline added the Report to the queue in Respondent's Kosciusko County office (Resp't Motion Ex. E).

14. On October 15, 2018, at 7:25 P.M., Petitioner accessed the Report through MaGIK[2] (Resp't Motion Ex. E; Pet'r Reply Ex. 5 at 10).

15. Petitioner did not recognize the name or the family situation contained in the Report and did not take further action (Pet'r Reply Ex. 5 at 10).

16. On October 16, 2018, the Report was assigned to FCM Melissa Kauffman[3] (Resp't Motion Ex. F; Pet'r Reply Ex. 4).

---

[2] MaGIK is a case management system used by Respondent and to which all FCMs have access.

17. On October 19, 2018, Kauffman met with the child alleged to have been neglected in the Report but did not meet with the child's mother at that time (Resp't Motion Ex. F; Pet'r Reply Ex. 4).

18. On October 19, 2018, Kauffman documented the meeting in MaGIK (Resp't Motion Ex. F; Pet'r Reply Ex. 9).

19. On October 19, 2018, Kauffman contacted the child's mother to schedule a face-to-face meeting, which was set to occur on October 25, 2018 (Resp't Motion Ex. F; Pet'r Reply Ex. 9).

20. On October 19, 2018, Petitioner, while socializing with acquaintances, was told by Jeff Anglemyer ("Anglemyer") that a coworker of his had been reported to Respondent for alleged neglect and drug abuse and that the FCM assigned to the case was rude and unprofessional (*See* FOF 11; Pet'r Compl.; Resp't Motion; Pet'r Reply Exs. 5 at 11, 6 at 4).

21. Petitioner told Anglemyer she thought this was unlikely but might check into it because an FCM should not be rude (Pet'r Reply Ex. 6 at 5).

22. On October 20, 2018, at 1:34 A.M., while at home, Petitioner searched for Anglemyer's coworker in MaGIK and viewed the assessment related to her case (Pet'r Compl.; Resp't Motion Ex. H; Pet'r Reply Ex. 5 at 14).

23. Petitioner found that Kauffman was the FCM assigned to the case that Petitioner originally viewed on October 15, 2018 and, feeling that the complaints had no merit, did not inform her supervisors (Pet'r Reply Ex. 5 at 14).

24. On October 25, 2018, Kauffman met with the child's mother (Resp't Motion Ex. F; Pet'r Reply Ex. 9).

25. During the meeting, the mother quoted exact text of the allegations contained in the Report, even asking Kauffman what "RS" stood for (report source), identified the RS listed in the Report, and told Kauffman that she had already seen the Report (Resp't Motion Ex. G).

26. Kauffman asked how the mother had seen the report, to which she replied that "she had friends in high places" (Resp't Motion Ex. G).

27. The mother affirmed that she had received the information from someone who worked for Kosciusko County, but would not provide their name (Resp't Motion Ex. G).

28. Kauffman immediately reported this to Castro (Resp't Motion Ex. G).

---

[3] Kauffman was previously known as Melissa Kronk.

29. Castro called the mother on October 25, 2018, during which the mother confirmed a male coworker had provided her with information in the Report, who had received the information from another friend (Pet'r Compl.; Resp't Motion Ex. G, I).

30. On or around October 25, 2018, Castro consulted with Shidler and submitted a request for MaGIK records that would show who accessed the Report and had the opportunity to disclose the same to the mother (Resp't Motion).

31. On November 14, 2018, the case was closed due to the report of neglect or abuse being unsubstantiated (Resp't Motion Ex. F; Pet'r Reply Ex. 4).

32. In February, 2019, the MaGIK access report was returned (Resp't Motion).

33. At this time, Castro, Shidler, and Kauffman were still unaware as to who shared the Report (Resp't Motion).

34. Castro and Shidler interviewed the employees who had accessed the Report (Resp't Motion).

35. Petitioner was the only individual who had accessed the Report (Resp't Motion Ex. H).

36. Petitioner denied sharing the Report with the mother but admitted to discussing the mother's case with Anglemyer and accessing the Report in MaGIK (Pet'r Compl.; Resp't Motion; Pet'r Reply).

37. On February 18, 2019, Petitioner participated in a pre-deprivation meeting, after which she was terminated. (Resp't Motion Ex. A).

II. Conclusions of Law

1. SEAC is a creature of statute, charged with fairly and impartially administering Civil Service System appeals. I.C. § 4-15-2.2 *et seq*. SEAC's jurisdiction over such appeals is divided into classified (just cause claims) and unclassified (at-will claims). I.C. §§ 4-15-2.2-23, 24. Petitioner was a classified employee at all relevant times.

2. This is a classified (just cause) case under the Civil Service System. A state agency may only terminate or take material adverse employment actions against a classified state employee for just cause. I.C. § 4-15-2.2-23. In a disciplinary case involving a classified employee the state agency has the initial and ultimate burden of proving by a preponderance of the credible evidence that there was just cause for imposing the adverse employment action. Ind. Code § 4-15-2.2-42(g); *see also* Non-Final and Final Orders in *Miller v. FSSA*, SEAC No. 05-12-060 (2012); Non-Final and Final Orders in *Cole v. DWD*, SEAC No. 02-12-019 (2013); Non-Final and Final Orders in *Johnson v. DWD*, SEAC No. 05-13-034 (2014). Therefore, if the Respondent fails to establish just cause, the challenged adverse employment action is invalid.

3. To establish just cause, the Respondent may refer to the Petitioner's work performance or service rating. I.C. § 4-15-2.2-36(e). An agency's service ratings and employee performance standards "must be specific, measurable, achievable, relevant to the strategic objective of the employee's state agency or state institution, and time sensitive." *Id.* Therefore, in determining whether just cause was established, SEAC may consider Petitioner's performance as compared to the Respondent's employee performance standards. I.C. § 4-15-2.2-12, 36 and 42.

4. Additionally, the inquiry focuses on the reasonableness of the employer agency's workplace expectations. Employer expectations must be reasonably well communicated and consistently applied to similarly situated employees. *See Miller, Cole and Johnson, supra.* The reasonable expectations of the Respondent may include its communicated employee performance standards and expected outcomes. *Id.* The just cause standard requires the Respondent to act with reasonableness, not perfection. *See Conklin v. Review Bd. of DWD*, 966 N.E.2d 761, 764 (Ind. Ct. App. 2012); *Ghosh v. Ind. State Ethics Com'n*, 930 N.E.2d 23 (Ind. 2010); *Tacket v. Delco Remy*, 959 F.2d 650 (7th Cir. 1992) (just cause standards in other contexts in Indiana similarly looks to the reasonable expectations of the employer).

5. At-will employment is the default in Indiana, and most state employees are considered unclassified in that regard. I.C. §§ 4-15-2.2-22, 24. However, the General Assembly also recognized some employees as classified given federal regulations and laws but did not define "just cause" in the Civil Service System. Therefore, the ALJ first looks to Indiana law, but also to the federal standard. The federal employment just cause standard is defined as "[s]uch cause as will promote the efficiency of the service." 5 U.S.C. § 7513(a). *See also Free Enterprise Fund v. PCAOB*, 561 U.S. 477, 477 (2010) (federal system looks at factors such as inefficiency, neglect of duty, and reasons provided by the legislature).

6. If an agency establishes just cause, "the [C]ommission shall defer to the appointing authority's choice as to the discipline imposed . . ." I.C. § 4-15-2.2-42(g). The ALJ is not authorized to substitute his own judgment after the agency proves it had just cause to impose the adverse employment action.

7. Petitioner contends that her termination occurred without just cause and that it constituted disparate treatment and retaliation. The ALJ will discuss in turn why each of these claims fail, starting with Petitioner's just cause claim.

8. The purpose of the State Personnel Department's Discipline Policy ("Policy") is "[t]o provide an opportunity to correct inappropriate behavior and *to separate employees who exhibit unacceptable behavior*." (Resp't Ex. B) (emphasis added). "This policy applies to classified employees in the state civil service who have successfully completed the required working test period for initial appointment to a classification in the state classified service and have not left the classified service since that appointment or who have completed a working test subsequent to reemployment or rehire. It also applies to employees in the state civil service who are covered by a separate statute that expressly provides that the employee may be disciplined only for cause." *Id.*

9. It is uncontested that Petitioner is a classified employee and thus subject to the Policy.

10. "A classified employee in the state civil service is subject to discipline for just cause. Just cause can include: 1) [d]oing of an act which a person ought not to do; 2) [t]he omission of an act which a person ought to do; [or] 3) [t]he improper doing of a permissible act." *Id.*

11. Per the Policy, just cause may include: "violation of, or failure to comply with, Federal or State law, rules, executive order, policies or procedures" and "negligence in the performance of assigned job duties" and "actions which bring the agency or the individual into disrepute or impair the effectiveness of the agency or individual". *Id.*

12. "Where appropriate, employee disciplinary actions are to be corrective and progressive in nature. The discipline imposed should be determined by taking into account such factors as the seriousness of the offense and the record of the employee's service with the State. An employee's work record may provide the basis for differentiating in the degree of discipline imposed for like or similar offenses. While the State will generally follow the principles of progressive discipline, *the State reserves the right to impose discipline commensurate with the offense*." *Id.* (emphasis added).

13. Petitioner first cites to several Appraisals she received during her tenure, suggesting that her generally positive past performance should have mitigated the discipline she received.

14. However, "the critical inquiry is [Petitioner's] performance at the time of her termination. Therefore, although prior evaluations can be relevant in some circumstances, they cannot, by themselves, demonstrate the adequacy of performance at the crucial time when the employment action is taken." *Burks v. Wisconsin Dep't of Transp.*, 464 F.3d 744, 753 (7th Cir. 2006).

15. While Petitioner may have been meeting Respondent's expectations prior to 2018, her behavior at the time of her termination proved otherwise. Thus, while Respondent may consider an employee's past performance in making a disciplinary decision, in Petitioner's instance it failed to move the needle when considering her total contravention of Respondent's policies and expectations at the time of her termination.

16. Respondent found that Petitioner had violated several of its policies and state laws, such that her actions constituted termination.

17. I.C. § 31-33-18 holds that all reports and information obtained in possession of Respondent are confidential. Although exceptions apply (I.C. § 31-33-18-1.5), Respondent's access of the case information is not an enumerated exception recognized by state law. Similarly, Respondent's Child Welfare Policy 2.6 states that Respondent "will hold confidential all information obtained, reports written, photographs taken, and audio recording concerning reports of Child Abuse and/or Neglect ("CA/N"), CA/N assessments, and the provision of ongoing case management services. The identity of the reporting source, children, and others protected by law must be held confidential unless authorized by statute or court order." (Resp't Motion Ex. K).

18. Further, Respondent's Child Welfare Policy 2.8 holds that Respondent

> will maintain electronic records housed in the case management system for all open and closed CA/N assessments and cases. DCS employees will access the case management system records *for work purposes only*. DCS employees will only document and/or view records in case management system that are *related to assigned field operations or central office job duties*. If concerns arise regarding whether particular access is within the employee's assigned job duties, the DCS employee should staff with his or her Supervisor regarding whether or not viewing or documenting records within the case management system is appropriate. Employees will be required to justify the reason for accessing specific assessments or cases. DCS employees who gain or give unauthorized access to any child welfare records, including case management system records, *will be subject to disciplinary action, up to and including termination.*

(Resp't Motion Ex. L) (emphasis added).

19. Respondent's Code of Conduct also states that "[s]taff will report issues and concerns, including staff misconduct, to their immediate Supervisor, unless the issue or concern is with their direct Supervisor." (Resp't Motion Ex. M).

20. Petitioner argues that she had a legitimate business interest in looking at the Report after her conversation with Anglemyer as it was her perceived responsibility to conduct an investigation into the report to determine if there was inappropriate behavior by the DCS case worker, and if so, to report the incident to my County Office Director." (Pet'r Reply Ex. 5 at 12, 15). However, Respondent's policy is clear as to what gives an employee reason to view case records as well as what steps must be taken if such is done. Even if Petitioner felt that it was her responsibility to investigate Kauffman (which it was not), she still failed to inform her supervisor. Rather, Petitioner's unauthorized access of a case which was not assigned to her and of which she had no legitimate reason to access constituted a failure to carry out her "duties and responsibilities in an objective manner in accordance with federal and state laws, rules, policies, and established procedures." (Resp't Motion Ex. M).

21. Respondent's decision to use termination as the first disciplinary action was due to Petitioner's violation of Respondent's Child Welfare Policies and its Code of Conduct (Resp't Motion Ex. K, L, M). Respondent found Petitioner's violation of such policies to be so egregious that even her past performance did not offset the seriousness of the offenses when a disciplinary decision had to be made.

22. Next, Petitioner claims her termination constituted disparate treatment as other similarly situated employees received less discipline for similar policy violations.

23. Petitioner has the initial burden of establishing a prima facie case of discrimination under the *McDonnel Douglas* burden-shifting framework. *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973). Petitioner must show that she 1) belongs to a member of a protected class; 2) her job performance met Respondent's legitimate expectations; 3) she suffered an adverse employment action; and 4) another similarly situated individual who was not in the protected class was treated more favorably that Petitioner. *See Id.* The Seventh Circuit however, has recently disregarded the use of "direct" and "indirect" methods of proof and rather held that courts should determine "whether the evidence [as a whole] would permit a reasonable factfinder to conclude that the [Petitioner's membership in a protected class] caused the discharge or other adverse employment action." *Ortiz v. Werner Enters., Inc.*, 834 F.3d 760 (7th Cir. 2016).

24. While Petitioner did face an adverse employment action, she first failed to proffer that she was a member of a protected class. Further, as will be discussed in more detail below, Petitioner was not meeting Respondent's legitimate expectations at the time of her termination.

25. "All things being equal, if an employer takes an action against one employee in a protected class but not another outside that class, one can infer discrimination." *Filar v. Bd. of Educ. of City of Chi.*, 526 F.3d 1054, 1061 (7th Cir. 2008). In presenting a similarly-situated employee, "the comparator must . . . be similar enough 'to eliminate confounding variables, such as differing roles, performance histories, or decision-making personnel, [so as to] isolate the critical independent variable: complaints about discrimination.'" *Id* (internal citations omitted).

26. Petitioner cites to two comparators in this matter—both of which are distinguishable from Petitioner and thus not true comparators in terms of her disparate treatment claim. On February 14, 2019, employee L.L. received a written reprimand for violating the Information Resource Use Agreement,[4] DCS Code of conduct, and the Hours of Work and Overtime Policy when she sent confidential work items from her work email to her personal email with the purpose of working on those items from home. L.L. accessed MaGIK from her personal computer and Wi-Fi and saved work documents to her personal computer. The work was completed after work hours without approval from the Local Office Director (Pet'r Reply Exs. 10, 14). However, L.L. accessed the confidential information to update the local office's case lists which she was responsible for maintaining. L.L. was allowed to access the information and had a legitimate work reason to do so. Petitioner on the other hand, was not allowed to access the case as she was not assigned to it and, as discussed above, her misguided belief that she needed to investigate a

[4] The Information Resources Use Agreement (IRUA) is a statewide policy intended to improve the state's information security and guide state employees regarding appropriate use. It applies to all state employees and contractors in the executive branch using State provided technology assets. *See* https://www.in.gov/iot/files/The_Information_Resources_Use_Agreement_-__2015.pdf

coworker for being rude does not constitute a legitimate business need. L.L. received discipline because she was working outside of her normal business hours, not because she accessed information to which she was not privy, a wrongdoing which is not equivalent to Petitioner's. (Resp't Motion).

27. Another employee cited by Petitioner took her own daughter to the home of a parent who was part of a monitoring plan—disclosing the home, name, family information, etc. However, the family that the employee visited with her daughter did not have a case currently open with Respondent and the visit was not concerning any business related to her position as an employee for respondent. Further, there is no evidence suggesting that the employee's daughter even knew the family had a previous case open with Respondent. Petitioner reported the employee management. This employee was not terminated; rather she voluntarily took a demotion. In Petitioner's case, however, the family that Petitioner looked up was in the middle of an ongoing investigation. (Resp't Ex. 5, 14).

28. Under either theory described above, Petitioner fails to introduce any legitimate comparators demonstrating why her termination was unfair or otherwise demonstrated disparate treatment.

29. Petitioner finally makes an argument that her termination was in retaliation for her concerted activities to improve her county office and for communicating directly with the Director's Office. (Pet'r Reply Ex. 5 at 8).

30. To prevail on a Title VII retaliation claim, Petitioner "must prove that (1) he engaged in an activity protected by the statute; (2) he suffered an adverse employment action; and (3) there is a causal link between the protected activity and the adverse action." *Lewis v. Wilkie*, 909 F.3d 858, 866 (7th Cir. 2018) (internal citations omitted).

31. To do so, Petitioner must show such connections via a showing that the evidence as a whole "would permit a reasonable factfinder to conclude that the plaintiff's race, ethnicity, sex, religion, or other proscribed factor caused the discharge or other adverse employment action." *Id.; Ortiz v. Werner Enterprises*, 834 F.3d 760 (7th Cir. 2016).

32. In the present case, the ALJ finds that Petitioner meets only the second factor of the retaliation test described above, since her termination was an adverse employment action. Although Petitioner's actions did violate the chain of command (Pet'r Reply Ex. 14 at 3), Petitioner offers no evidence showing that a causal link between Petitioner's email to Stigdon and her termination exists. Petitioner's email was sent over six (6) months prior to her termination and further, had already been reprimanded for her violation. While Petitioner makes a similar argument in response to her termination being several months after her access of the case records, her supervisors did not have conclusive evidence of who accessed the case until only a short period before Petitioner's termination.

33. Petitioner cited no further evidence in support of his claims; thus, the ALJ finds that Respondent has shown that no material issue of fact exists such that this case should continue. Therefore, the ALJ finds that Petitioner's discipline was for just cause.

To the extent a given finding of fact is deemed a conclusion of law, or a conclusion of law is deemed to be a finding of fact it shall be given such effect.

IV. Final Order of Dismissal

Respondent's Motion for Summary Judgment is GRANTED. This action is hereby dismissed with prejudice. All case management deadlines are vacated.

This is the final order of the Commission. A person who wishes to seek judicial review must file a petition in an appropriate court within thirty (30) days of this order and must otherwise comply with Ind. Code § 4-21.5-5.

DATED: November 25, 2019

Hon. Gabriel Paul
Chief Administrative Law Judge
State Employees' Appeals Commission
Indiana Government Center North, Rm. N103
100 N. Senate Avenue
Indianapolis, IN 46204
(317) 232-3137
Fax: (317) 972-3109
Email: gapaul@seac.in.gov

A copy of the foregoing was sent via email to the following:

Theodore Storer
Rothberg Logan & Warcso LLP
P.O. Box 11647
500 East Washington Blvd.
Fort Wayne, Indiana 46802
tstorer@rlwlawfirm.com

Whitney Fritz
Rachel Russell
Counsel
Indiana Department of Child Services
302 W. Washington Street
Room E306
Indianapolis, IN 46204
whitney.fritz@dcs.in.gov
rachel.russell@dcs.in.gov

Courtesy Copy to:

David Fleischhacker
State Personnel Department
402 W. Washington Street
IGCS, Room W161
Indianapolis, IN 46204
dfleischhacker1@spd.in.gov