

JUN 03 2014

INDIANA STATE  
CIVIL RIGHTS COMMISSION

**STATE OF INDIANA  
CIVIL RIGHTS COMMISSION**

DRUCILLA KUNCE,

Complainant,

vs.

SPECIALIZED TRANSPORTATION, INC.,

Respondent.

) Docket No.: EMha11080542

) EEOC No.: 24F-2011-00590


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

On May 19, 2014, Noell F. Allen Administrative Law Judge (“ALJ”) for the Indiana Civil Rights Commission (“ICRC”) entered her 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 this 30<sup>th</sup> Day of May, 2014.

To be served by U.S. Postal Service on the following parties and attorneys of record:

Drucilla J. Kunce  
218 Bryan Street  
Kendallville, IN 46755-1312

Specialized Transportation, Inc.  
c/o Lisa M. Oetken; Manager, Employee Relations  
5001 US Highway 30 West  
Fort Wayne, IN 46818-9701

BARRETT & McNAGNY LLP  
BY: Anthony M. Stites, Esq.  
Attorney for Respondent, Specialized Transportation, Inc.  
215 East Berry Street  
Fort Wayne, IN 46802

and to be personally served on the following attorney of record:

Michael C. Healy, Esq.; Staff Counsel  
Indiana Civil Rights Commission  
Indiana Government Center North  
100 North Senate Avenue, Room N103  
Indianapolis, IN 46204-2255

**MAY 20 2014**

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

On May 19, 2014, Complainant, Drucilla Kunce, by counsel, and Respondent, Specialized Transportation, Inc., by counsel, filed their JOINT MOTION TO DISMISS (“Motion”).

Having carefully considered the foregoing and being duly advised in the premises, the undersigned Administrative Law Judge (“ALJ”) 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 a complaint of discrimination against Respondent alleging Respondent discriminated against Complainant on the bases of disability. (Complaint of Discrimination, August 29, 2011).
2. The parties have reached a private settlement agreement.
3. The parties are satisfied with the terms of the settlement agreement.
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 fifteen (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.

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ORDER

1. The parties' Joint Motion to Dismiss is **GRANTED**.
2. Drucilla Kunce's complaint is **DISMISSED**, with prejudice.

Dated this 20<sup>th</sup> day of May, 2014



Hon. Noell F. Allen  
Administrative Law Judge  
Indiana Civil Rights Commission

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