

STATE OF INDIANA
CIVIL RIGHTS COMMISSION

DOCKET NO. EMha08110670
EEOC NO. 24FA900055

STEPHEN E. ABERNATHY,
Complainant,

FILE DATED

v.

JUN 25 2010

FOUNTAIN FOUNDRY CORPORATION,
Respondent.

Indiana State Civil Rights Commission

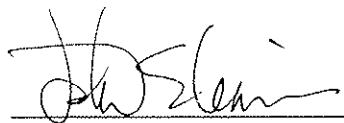
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

On May 28, 2010, 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").

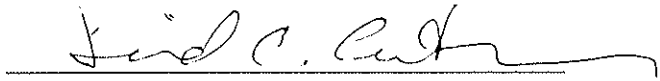
No objections have been filed to the ICRC's adoption of the proposed decision.

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.

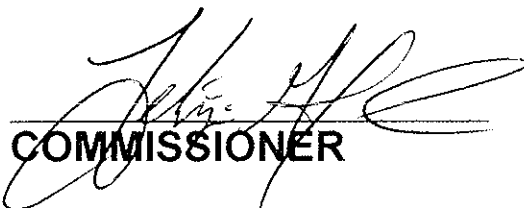
INDIANA CIVIL RIGHTS COMMISSION



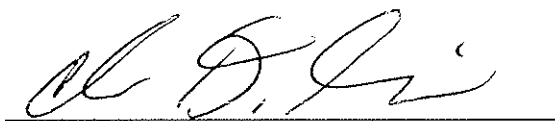
COMMISSIONER



COMMISSIONER



COMMISSIONER



COMMISSIONER

Dated: 25 June 2010

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

Stephen E. Abernathy
318 South Main Street
Veedersburg, IN 47987

Fountain Foundry Corporation
c/o Bernard M. Haag, Human Resource Manager
P.O. Box 188
Veedersburg, IN 47987-0188

BAKER & DANIELS LLP
BY: Craig M. Borowski, Esq. and Brian D. Burbrink, Esq.
Attorneys for Respondent Fountain Foundry Corporation
300 North Meridian Street, Suite 2700
Indianapolis, IN 46204

and to be personally served on the following:

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

STATE OF INDIANA
CIVIL RIGHTS COMMISSION

DOCKET NO. EMha08110670
EEOC NO. 24FA900055

STEPHEN E. ABERNATHY,
Complainant,

FILE DATED

MAY 28 2010

Indiana State Civil Rights Commission

v.

FOUNTAIN FOUNDRY CORPORATION,
Respondent.

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

On May 27, 2010, Complainant, Stephen E. Abernathy ("Abernathy"), and Respondent, Fountain Foundry Corporation ("Fountain"), filed their Joint Motion To Dismiss ("MOTION").

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 Abernathy's claim that he was denied equal opportunity in employment by Fountain because of disability when he was terminated in August of 2008. COMPLAINT OF DISCRIMINATION (November 5, 2008).
2. Fountain denied Abernathy's claim of unlawful discrimination. ANSWER (November 22, 2008).
3. The MOTION is expressly motivated by settlement.

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. The parties' Joint Motion To Dismiss is **GRANTED**.
2. Abernathy's complaint is **DISMISSED**, with prejudice.

Dated: 28 May 2010


Robert D. Lange
Administrative Law Judge

To be served by first class mail this 28th day of May, 2010 on the following parties and attorneys of record:

Stephen E. Abernathy
318 South Main Street
Veedersburg, IN 47987

Fountain Foundry Corporation
c/o Bernard M. Haag, Human Resource Manager
P.O. Box 188
Veedersburg, IN 47987-0188

BAKER & DANIELS LLP
BY: Craig M. Borowski, Esq. and Brian D. Burbrink, Esq.
Attorneys for Respondent Fountain Foundry Corporation
300 North Meridian Street, Suite 2700
Indianapolis, IN 46204

and to be personally served this 28th day of May, 2010 on the following:

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

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
