

FEB. 28 2014

STATE OF INDIANA  
INDIANA CIVIL RIGHTS COMMISSION

INDIANA STATE  
CIVIL RIGHTS COMMISSION

KIMBERLY JENKINS

Complainant,

vs.

WALLMAN'S QUALITY FOODS,

Respondent.

) Docket No.: EMse12061258

) EEOC No.: 24F-2012-00613

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

On January 28, 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 28<sup>th</sup> Day of February, 2014.

Served by Certified Mail on the following:

Kimberly Jenkins  
304 North Washington Street  
Delphi, IN 46923

Daniel LaPointe Kent  
LaPointe Law Firm, P.C.  
One North Pennsylvania Street, Suite 730  
Indianapolis, IN 46204

Wallman's Quality Foods  
123 East Franklin Street  
Delphi, IN 46923

MEILS DAVIS & LeBLANC  
J. Kirk LeBlanc  
Nelson A. Nettles  
401 East Main Street  
Brownsburg, IN 46112

JAN 28 2014

INDIANA STATE  
CIVIL RIGHTS COMMISSION

**STATE OF INDIANA  
INDIANA CIVIL RIGHTS COMMISSION**

KIMBERLY JENKINS

Complainant,

vs.

WALLMAN'S QUALITY FOODS,

Respondent.

Docket No.: EMse12061258

EEOC No.: 24F-2012-00613

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

On October 30, 2013, Complainant, Kimberly Jenkins, filed an action in the United States District Court Northern District of Indiana in Cause No. 4:13-cv-00083-PPS-JEM.

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. Ms. Jenkins filed a complaint of discrimination on June 5, 2012 alleging the Respondent, Wallman's Quality Foods, constructively discharged Ms. Jenkins by subjecting her to sexual harassment. (Complaint of Discrimination, June 2012).
2. On October 21, 2013, Ms. Jenkins requested and subsequently received a "Right to Sue" Notice from the Equal Employment Opportunity Commission.
3. On October 30, 2013, Ms. Jenkins filed a civil action in federal district court.
4. This matter is currently pending in the United States District Court Northern District of Indiana.
5. Any Conclusion of Law that should have been deemed a Finding of Fact is hereby adopted as such.

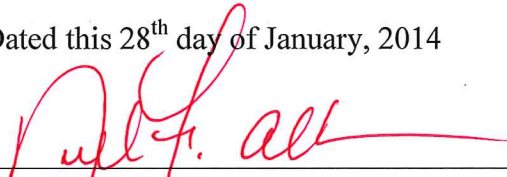
**CONCLUSIONS OF LAW**

1. Under Ind. Code § 22-9-1-6(q), “upon notice that a complaint is the subject of an action in a federal court, the commission shall immediately cease investigation of the complaint and may not conduct hearing or issue findings of fact or orders concerning that complaint.”
2. Since this matter is currently the subject of an action in federal court, the ALJ must dismiss this complaint.
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.

**ORDER**

1. The Complainant’s complaint is hereby **DISMISSED**, with prejudice.

Dated this 28<sup>th</sup> day of January, 2014



---

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

Served by First Class United States Mail on the following:

Kimberly Jenkins  
304 North Washington Street  
Delphi, IN 46923

Daniel LaPointe Kent  
LaPointe Law Firm, P.C.  
One North Pennsylvania Street, Suite 730  
Indianapolis, IN 46204

Wallman's Quality Foods  
123 East Franklin Street  
Delphi, IN 46923

MEILS DAVIS & LeBLANC  
J. Kirk LeBlanc  
Nelson A. Nettles  
401 East Main Street  
Brownsburg, IN 46112