

FEB 28 2014

INDIANA STATE
CIVIL RIGHTS COMMISSION

**STATE OF INDIANA
INDIANA CIVIL RIGHTS COMMISSION**

ROBIN A. RAY

Complainant,

vs.

STATE OF INDIANA, MADISON CORRECTIONAL
FACILITY,

Respondent.

) Docket No.: EMra11040165

) EEOC No.: 470-2011-0187

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 28th Day of February, 2014.

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

Robin A. Ray
875 MSH West Lane, Apt. 1
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JAN 28 2014

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vs.

STATE OF INDIANA, MADISON CORRECTIONAL
FACILITY,

Respondent.

) Docket No.: EMra11040165

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

On March 28, 2012, Complainant, Robin A. Ray, filed an action in the United States Federal District Court in Cause No. 1:12-cv-00395-TWP-MJD.

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. Ray filed a complaint of discrimination on April 7, 2011 alleging the Respondent, State of Indiana, Madison Correctional Facility, discriminated against her on the basis of race (affiliation with an African-American). (Complaint of Discrimination, April 2011).
2. On March 28, 2012, Ms. Ray filed a civil action in federal district court.
3. This matter is currently pending in the United States District Court Southern District of Indiana.
4. Any Conclusion of Law that should have been deemed a Finding of Fact is hereby adopted as such.

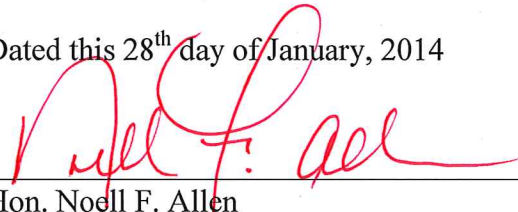
CONCLUSIONS OF LAW

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 28th day of January, 2014



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

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

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