

**STATE OF INDIANA
CIVIL RIGHTS COMMISSION**

**DOCKET NO. EMra08030164
EEOC NO. 24FA800260**

ERVIN GOODWIN,
Complainant,

FILE DATED

SEP 25 2009

v.

Indiana State Civil Rights Commission,

GARY RAILWAY COMPANY,
Respondent.

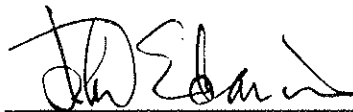
FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

On August 25, 2009, 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.

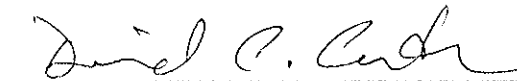
INDIANA CIVIL RIGHTS COMMISSION



COMMISSIONER



COMMISSIONER



COMMISSIONER



COMMISSIONER

Dated: 25 September 2009

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

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2877 West 57th Avenue
Merrillville, IN 46410

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Gary Railway Company
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STATE OF INDIANA
CIVIL RIGHTS COMMISSION

DOCKET NO. EMra08030164
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ERVIN GOODWIN,
Complainant,

FILE DATED

AUG 23 2009

v.

Indiana State Civil Rights Commission

GARY RAILWAY COMPANY,
Respondent.

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

On August 21, 2009, Complainant, Ervin Goodwin ("Goodwin"), filed his Motion To Withdraw Complaint Of Discrimination, a Motion to which Respondent Gary Railway Company ("Gary"), has not responded.

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 Goodwin's claim that he was denied a promotion because of race she complained about sexual harassment. COMPLAINT OF DISCRIMINATION (March 13, 2008).
2. Gary denies Goodwin's claim of unlawful discrimination. ANSWER (April 18, 2008).

3. Goodwin seeks to withdraw this complaint because he has chosen to proceed by filing an employment discrimination action in federal court.
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.

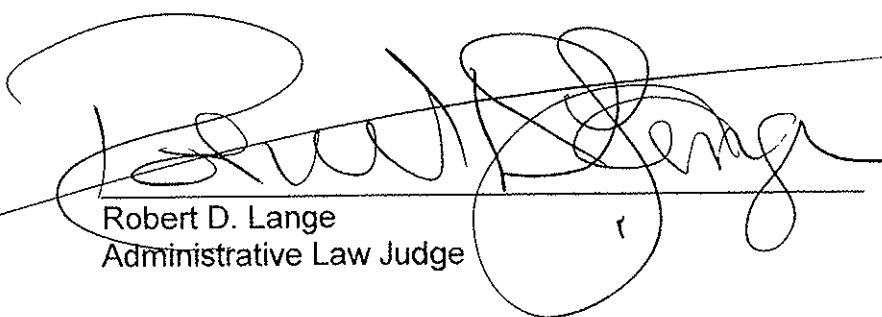
CONCLUSIONS OF LAW

1. The ICRC has jurisdiction over the subject matter and the parties.
2. Goodwin should be permitted to withdraw 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 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. Goodwin's Motion To Withdraw Complaint Of Discrimination is **GRANTED**.
2. Goodwin's complaint is **DISMISSED**, with prejudice.

Dated: 25 August 2009


Robert D. Lange
Administrative Law Judge

To be served by first class mail this 25th day of August, 2009 on the following parties and attorneys of record:

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Merrillville, IN 46410

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and to be personally served this 25th day of August, 2009 on the following:

Indiana Civil Rights Commission
c/o Tony A. Kirkland, Executive Director
Indiana Government Center North
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Indianapolis, IN 46204-2255