

LINDA YOUNGMAN,
Complainant,

v.

HOLIDAY HEALTH CARE
CORP.,
Respondent.

FILE DATED

Jan 29 2010

Indiana State Civil Rights Commission

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

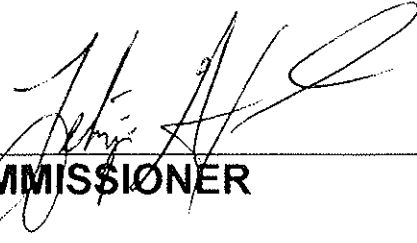
On December 22, 2009, Robert D. Lange, Administrative Law Judge ("ALJ") for the Indiana Civil Rights Commission ("ICRC"), entered his Proposed Findings Of Fact, Conclusions Of Law, And Order ("the proposed decision").

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: 29 January 2010

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

Linda Youngman
PO Box 487
Crossville, IL 62827-0487

BIESECKER & DUKANYCH, LLC
BY: Kyle F. Biesecker, Esq.
Attorneys for Complainant Linda Youngman
411 Main Street
Evansville, IN 47708

Holiday Health Care Corp.
c/o Don Hester, Chief Operating Officer
Holiday Health Care Corporation
1201 Buena Vista Road
Evansville, IN 47710

ICE MILLER LLP
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STATE OF INDIANA
CIVIL RIGHTS COMMISSION

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LINDA YOUNGMAN,
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v.

DEC 2 2009

HOLIDAY HEALTH CARE
CORP.,

Indiana State Civil Rights Commission

Respondent.

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

On December 21, 2009, Complainant, Linda Youngman ("Youngman"), and Respondent, Holiday Health Care Corp. ("Holiday"), filed their Stipulation Of Dismissal ("STIPULATION").

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 Youngman's claim that he was denied equal opportunity for employment by Holiday because of disability when she was terminated in August of 2007. COMPLAINT OF DISCRIMINATION (August 28, 2007).

2. Holiday denied Youngman's claim of unlawful discrimination. ANSWER (September 26, 2007).
3. The parties have reached a settlement. NOTICE OF SETTLEMENT (September 17, 2009).
4. The STIPULATION presumably effectuates that settlement.
5. There is no evidence of fraud, coercion, duress, or any other reason not to approve of the requested dismissal.
6. Any Conclusion Of Law that should have been deemed a Finding Of Fact is hereby adopted as such.

CONCLUSIONS OF LAW

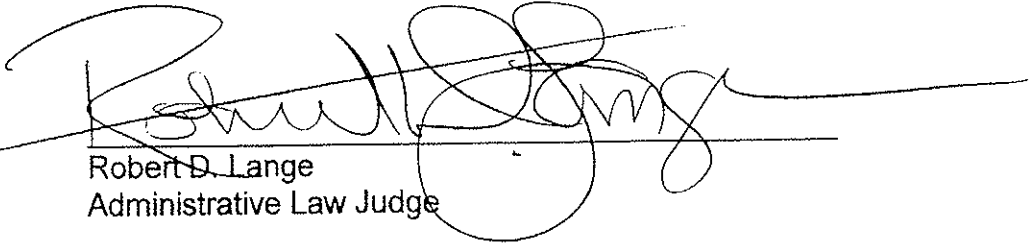
1. The ICRC has jurisdiction over the subject matter and the parties.
- ~~2. Settlement is a favored resolution and should be encouraged.~~
3. Administrative review of this proposed decision may be obtained by the filing of a writing identifying with reasonable particularity each basis of each objection 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' Stipulation Of Dismissal is **GRANTED**.
2. The Status Conference that had been scheduled for December 28, 2009 is **CANCELLED**.

3. Youngman's complaint is **DISMISSED**, with prejudice.

Dated: 22 December 2009



Robert D. Lange
Administrative Law Judge

To be served by first class mail this 22nd day of December, 2009 on the following parties and attorneys of record:

Linda Youngman
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Crossville, IL 62827-0487

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BY: Kyle F. Biesecker, Esq.
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ICE MILLER LLP
BY: Paul H. Sinclair, Esq.
Attorneys for Respondent Holiday Care Corp.
One American Square, Suite 2900
Indianapolis, IN 46282-0200

and to be personally served this 22nd day of December, 2009 on the following:

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