

**IN THE COURT OF COMMON PLEAS
- GENERAL DIVISION -
TRUMBULL COUNTY, OHIO**

)	CASE NUMBER: 2002 CV 2715
)	
PAUL SCHULER)	
PLAINTIFF)	
)	
VS.)	JUDGE RONALD J RICE
)	
OHIO CIVIL RIGHTS COMMISSION)	
DEFENDANT)	<u>JUDGMENT ENTRY</u>

This matter is before the Court following an administrative appeal filed by the Plaintiff, Paul Schuler. The Court has reviewed the pleadings, exhibits, memoranda, and the relevant applicable law.¹

On August 1, 2002, the Ohio Civil Rights Commission found: "[e]vidence fails to substantiate that Charging Party (Schuler) was subjected to unlawful discrimination based upon his race and sex ***." The Commission further "**** determined that it is NOT PROBABLE that Respondent (Delphi Automotive) has engaged in practices unlawful under Section 4112, Ohio Revised Code, and hereby orders the case dismissed." (emphasis as written). Schuler filed the underlying administrative appeal to challenge this determination by the Commission.

This matter is an administrative appeal pursuant to R.C. 4112.06. According to R.C. 4112.06(E), "the findings of the commission as to the facts shall be conclusive if supported by reliable, probative, and substantial evidence on the record ***." The Court's review is limited to whether the underlying decision of the commission was unlawful, irrational, arbitrary or capricious.

¹ The Court notes for the record that the original file in this matter has been misplaced and is unable to be located after multiple attempts by the Clerk of Courts and Court staff. The file has been re-created using pleadings provided by counsel of record.

Essentially, Schuler alleges he applied for admission into the Delphi apprenticeship program in January 1995 and was denied entry. Schuler alleges the reason he was rejected for the apprenticeship program was due to unlawful race and sex discrimination. Specifically, Schuler claims the targeting system and Pre-Apprentice Training Program of Delphi was discriminatory against white males. The decision of the Commission set forth several reasons for its finding of "no probable cause" to support Schuler's allegations.

"Setting aside the troubling issue of timeline since Charging Party (Schuler) filed his complaint affidavit almost seven years after applying for Respondent's (Delphi's) apprenticeship program, Staff believes several courts have ruled on the substantive issues contained in Charging Party's complaint." The Commission then referred to the dismissal of two formal complaints involving the same issues which were dismissed for res judicata and collateral estoppel. In addition, the Commission stated, "[i]n these cases the courts refused to find the Respondent in violation of state and federal discrimination laws because the vast majority of the apprenticeship openings in question were ultimately awarded to Caucasian males like Charging Party (Schuler) even after implementation of Respondent's 'targeting' and 'Pre-Apprentice Training Program.'"

Upon review, the Court finds the decision of the Commission was not irrational, unlawful, arbitrary or capricious. Therefore, the Court finds the decision of the Commission finding no probable cause to support Schuler's charge of race or sex discrimination is affirmed.

This is a final and appealable order and there is not just cause for delay.

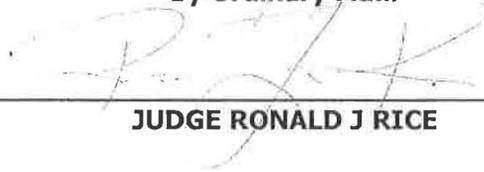
IT IS SO ORDERED.

DATE: 07-20-2016



Judge Ronald J. Rice

**TO THE CLERK OF COURTS: You Are Ordered to Serve
Copies of this Judgment on all Counsel of Record
or Upon the Parties who are Unrepresented Forthwith
by Ordinary Mail.**



JUDGE RONALD J RICE

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