

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

DEBORAH CUCHINE,)	
)	
Charging Party,)	Cause No. 0031010516
)	
vs.)	ORDER AFFIRMING
)	NOTICE OF DISMISSAL
)	
SHOPKO,)	
)	
Respondent.)	

On November 11, 2004 the Human Rights Bureau issued a Final Investigative Report and corresponding Notice of Dismissal and Notice of Right to Sue in the above-captioned matter. Charging Party (Deborah Cuchine) filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on March 25, 2004. Cuchine requested oral argument. At the date and time scheduled for argument, Cuchine did not appear. The employer (Shopko) did appear through its representative Maureen Lennon, and it was given the opportunity to present oral argument.

In the Final Investigative Report (FIR), the Human Rights Bureau Investigator determined a preponderance of the evidence did not support Deborah Cuchine's assertion that she had been subject to discrimination on the basis of race.

On appeal to the Commission, Deborah Cuchine stated in a letter that she was treated unfairly and that her employer failed to adequately communicate with her. In response, the employer argued Shopko has a strong policy against discrimination. Shopko refuted that Cuchine was denied employment opportunities. Shopko argued the reason Cuchine was not promoted was because she failed to meet certain minimum requirements. Shopko further argued that when it discovered an employee had made a derogatory remark, it responded adequately and quickly to the situation.

After due consideration, the Commission initially notes that Shopko should consider the gravity of this matter carefully. That said, the Commission concludes the findings of the Human Rights Bureau are supported by the record and, therefore, there was no abuse of discretion in the issuance of a Notice of Dismissal. *Admin. R. Mont. 24.9.1714(3)*

Charging Party will have 90 days after the receipt of this order to petition a district court in the district where the alleged violation occurred for the appropriate relief. *Mont. Code Ann.*

§ 49-2-509(5) and Admin. R. Mont. 24.9.1714(5) If Charging Party fails to commence a civil action within 90 days, the claim is time barred. *Id.*

IT IS HEREBY ORDERED, that Charging Party's objection is overruled and the Human Rights Bureau's notice of dismissal is affirmed.

Dated this _____ day of March, 2004.

Mr. Gary Hindoien, Chair
Montana Human Rights Commission

CERTIFICATE OF SERVICE

The undersign employee of the Human Rights Bureau certifies that a true copy of the forgoing Human Rights Commission ORDER was served on the following persons by U.S. mail, postage prepaid, on March ____ 2004.

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Montana Human Rights Bureau