

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

ALLAN HOFFERBER,)	
)	
Charging Party,)	Cause No. 0041010656
)	
vs.)	ORDER AFFIRMING
)	NOTICE OF DISMISSAL
)	
INTERSTATE BRANDS COMPANY,)	
)	
Respondent.)	

On March 15, 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 (Allan Hofferber) filed an objection with the Montana Human Rights Commission (Commission). Oral argument was not requested. The Commission considered the matter on May 21, 2004.

In the Final Investigative Report (FIR), the Human Rights Bureau Investigator determined a preponderance of the evidence did not support Allan Hofferber’s assertion that Interstate Brands Company discriminated against him on the basis of age. In his objection, Hofferber assigned error to the Human Rights Bureau failure to do a thorough investigation, specifically the failure to contact witnesses. In reaching its decision, the Commission noted the Human Rights Bureau’s investigation sufficiently documented, through comparative data, the Respondent’s application of a graduated disciplinary policy on employees of different ages.

After careful and due consideration, 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. The Commission adopts the findings of the Human Rights Bureau and the notice of dismissal is
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affirmed.

Dated this _____ day of May, 2004.

Mr. Gary Hinoien, 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 May ____ 2004.

ALLAN HOFFERBER
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Montana Human Rights Bureau