

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

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LORI MCLEAN,	)	
	)	
Charging Party,	)	Cause No. 0041010645
	)	
vs.	)	<b>ORDER AFFIRMING</b>
	)	<b>NOTICE OF DISMISSAL</b>
	)	
WAREHOUSE DEMO SERVICES INC.,	)	
	)	
Respondent.	)	

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On March 4, 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 (Lori McLean) 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 Lori McLean’s assertion that Warehouse Demo Services discriminated against her on the basis of disability. In her objection, McLean assigned error to the Human Rights Bureau’s interpretation of both her physician’s restrictions and the functions of the job. In response, Warehouse Demo Services argued the investigator’s findings were correct.

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.

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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 May \_\_\_\_ 2004.

LORI MCLEAN  
1680 MULLAN TRAIL  
MISSOULA MT 59808

WAREHOUSE DEMO SERVICES  
HUMAN RESOURCE OFFICER  
%COSTCO WAREHOUSE #67  
3220 NORTHERN PACIFIC  
MISSOULA MT 59808

WAREHOUSE DEMO SERVICES  
HUMAN RESOURCES OFFICER  
330 4<sup>TH</sup> STREET  
KIRKLAND WA 98033

BRADLEY KAMPAS  
JACKSON LEWIS LLP  
199 FREMONT STREET 10<sup>TH</sup> FLOOR  
SAN FRANCISCO CA 94105

MARIEKE BECK  
DEPARTMENT OF LABOR AND INDUSTRY  
OFFICE OF LEGAL SERVICES  
PO BOX 1728  
HELENA MT 59624

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Montana Human Rights Bureau