

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

DANA MITCHELL,)	
)	
Charging Party)	Cause No. 0039010498
)	
vs.)	ORDER AFFIRMING
)	NOTICE OF DISMISSAL
)	
SECURITY ARMORED EXPRESS,)	
)	
Respondent.)	

On October 28, 2003, 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. On November 14, 2003, Dana Mitchell (Charging Party) filed an objection to the Notice of Dismissal with the Montana Human Rights Commission (Commission). At Charging Party's request, the matter was set for oral argument in front of the Commission on January 15, 2004 at 2:30 p.m. Charging Party failed to appear. Jeanne Bender, the representative for Security Armored Express (Respondent) entered an appearance and was given the opportunity to provide argument.

In the Final Investigative Report, the investigator determined that Charging Party's complaint was not supported by a preponderance of the evidence. The investigator recommended a finding of no reasonable cause to believe unlawful discrimination occurred.

In her brief to the Commission, Charging Party asserted she was subjected to harassment based on gender. She further asserts that her employer knew, or should have known, of the offensive conduct and it failed to take prompt remedial action. In response, the Respondent asserted it responded appropriately to the complaint of Charging Party.

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 and Notice of Dismissal is affirmed.

Dated this _____ day of January 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 January _____ 2004.

DANA MITCHELL, CHARGING PARTY

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Montana Human Rights Bureau