

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

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|                              |   |                            |
|------------------------------|---|----------------------------|
| DANIEL PEDERSON,             | ) |                            |
|                              | ) |                            |
| Charging Party               | ) | Cause No. 0031010494       |
|                              | ) |                            |
| vs.                          | ) | <b>ORDER AFFIRMING</b>     |
|                              | ) | <b>NOTICE OF DISMISSAL</b> |
|                              | ) |                            |
| CONTINENTAL FENCE AND SUPPLY | ) |                            |
| COMPANY,                     | ) |                            |
|                              | ) |                            |
| Respondent.                  | ) |                            |

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On October 8, 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 October 20, 2003, Daniel Pederson (Charging Party) filed an objection to the Notice of Dismissal with the Montana Human Rights Commission (Commission). Oral argument was requested and the matter came before the Commission on January 15, 2004. James Harrington appeared on behalf of the Charging Party. Daniel Sweeny appeared on behalf of the Respondent, Continental Fence and Supply Company.

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.

On appeal to the Commission, Charging Party argued the investigator abused her discretion. Charging Party asserted he meets the criteria for disability and that the Respondent failed to make a reasonable accommodation. At the hearing before the Commission, Respondent argued it did not discriminate against the Charging Party based on his disability. Rather, it is the position of the Respondent that Charging Party walked off the job and had not requested an accommodation.

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.

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Montana Human Rights Bureau