

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

RODNEY THOMAS,)	
)	
Charging Party,)	Cause No. 0049010589
)	
vs.)	ORDER AFFIRMING
)	NOTICE OF DISMISSAL
)	
MULLAN ASSOCIATES d/b/a MULLAN)	
STATION,)	
)	
Respondent.)	

On January 20, 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 (Rodney Thomas) filed an objection with the Montana Human Rights Commission (Commission). Oral argument was not requested. The Commission considered the matter on March 25, 2004.

In the Final Investigative Report (FIR), the Human Rights Bureau Investigator determined that a preponderance of the evidence did not support Rodney Thomas's assertion that he had been subject discrimination when his employer refused to hire him for a management position based on gender and then retaliated against him with an excessive workload. Thomas also asserted he was treated less favorably based on race when his employer terminated him from his position.

On appeal to the Commission, Rodney Thomas argued the investigation of the Human Rights Bureau was incomplete and did not adequately assess his claims. Thomas argued the investigator did not give adequate consideration to the testimony of Thomas's witness and further, that the investigator failed to contact a key witness. Thomas also disagreed with the manner in which the investigation was conducted (telephonically). In response, Mullan Station asserted that the investigation was complete and fully considered all pertinent statements and claims of discrimination.

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 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