

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

BARBARA WACKER,)	
)	
Charging Party,)	Cause No. 0041010827
)	
vs.)	ORDER AFFIRMING
)	NOTICE OF DISMISSAL
MUSSELSHELL COUNTY,)	
)	
Respondent.)	

On July 9, 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, Barbara Wacker, filed an objection with the Montana Human Rights Commission (Commission). Oral argument was not requested. The Commission considered the matter on September 23, 2004.

In the Final Investigative Report (FIR), the Human Rights Bureau Investigator determined that a preponderance of the evidence did not support Wacker's assertion that she had been discriminated against in the area of employment based on disability by her former employer, Musselshell County.

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. 24.9.1714(3), ARM.

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. § 49-2-509(5), MCA (2003); 24.9.1714(5), ARM. 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 affirmed.

Dated this _____ day of September 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 September ____ 2004.

BARBARA WACKER
1014 HIGHWAY 87 NORTH
ROUNDUP MT 59072

MARY NELSON
MUSSELSHELL COUNTY TREASURER
506 MAIN STREET
ROUNDUP MT 59072

STEVE LEHMAN
CROWLEY LAW FIRM
PO BOX 2529
BILLINGS MT 59103

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

Montana Human Rights Bureau