

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

LARRY WAGENMAN,)	
)	
Charging Party,)	Cause No. 0041010614
)	
vs.)	ORDER AFFIRMING
)	NOTICE OF DISMISSAL
)	
WESTERN ENERGY COMPANY,)	
)	
Respondent.)	

On January 28, 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 (Larry Wagenman) filed an objection with the Montana Human Rights Commission (Commission). Oral argument was not requested at the time of the initial filing. The Commission considered the matter on May 21, 2004.

At the date and time scheduled for the Commission hearing, Larry Wagenman appeared and requested the opportunity to provide argument. A party seeking to present oral argument at a Commission hearing on a notice of dismissal must present this request in advance. *Admin. R. Mont. 24.9.1714(2)*. The Commission denied Wagenman's request.

In the Final Investigative Report (FIR), the Human Rights Bureau Investigator determined that a preponderance of the evidence did not support Larry Wagenman's assertion that he had been discriminated on the basis of age, race, or disability. Further, the investigator determined that a preponderance of the evidence did not support a finding that his former employer had retaliated against him.

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 affirmed.

Dated this _____ day of May, 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 May ____ 2004.

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Montana Human Rights Bureau