

**BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA**

Case No.: 0041011013

LEAHTASSA OWEN,  
Charging Party,

-v-

ON THE FLY (a/k/a STANLEY STEAMER  
CLEANER),

Respondent

**ORDER SUSTAINING CHARGING  
PARTY'S OBJECTIONS TO NOTICE OF  
DISMISSAL**

On October 12, 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, Leahtassa Owen (Owen), filed objections with the Montana Human Rights Commission (Commission). The Commission considered the matter on January 21, 2005.

In the Final Investigative Report (FIR), the Human Rights Bureau Investigator determined a preponderance of the evidence did not support Owen's assertion that her employer, Respondent, On the Fly, had unlawfully discriminated because of age when she was laid off from her position.

The Commission reviews objections under an abuse of discretion standard. *Admin. R. Mont. 24.9.1714(9)*. After careful and due consideration, the Commission finds an abuse of discretion. The Commission finds that the record's comparative data contradicts a finding that the employer followed a policy of seniority in its hiring and retention practices.

Since over 90 days have passed since Owen filed her complaint with the Human Rights Bureau, this matter will be remanded to the Hearings Bureau to give notice of a hearing. *Admin. R. Mont. 24.9.17174(4)(b)*. By rule, a party may ask a district court to review this decision. *Admin. R. Mont. 24.9.1717(7)*

DATED this \_\_\_\_ day of February 2005.

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Chair Gary Hindoien  
Human Rights Commission

## CERTIFICATE OF SERVICE

The undersigned 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 February \_\_\_\_ 2005.

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Montana Human Rights Bureau