

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

Case No.: 0061011575

DANNY KELLY,

Charging Party,

-v-

CROSSROADS CORRECTIONAL  
CENTER,

Respondent.

ORDER

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On August 25, 2005, Danny Kelly (Kelly) filed an “amended” complaint with the Department of Labor and Industry’s Human Rights Bureau (Department) alleging that the Crossroads Correctional Center (Crossroads) discriminated based on race. Kelly further asserted that Crossroads had retaliated against him for engaging in a protected activity. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Kelly’s allegations of unlawful discrimination and the Department issued a Notice of Dismissal. Kelly filed objections with the Montana Human Rights Commission (Commission). The Commission considered Kelly’s objections without oral argument on January 23, 2006.

The Commission will review a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Mont. Code Ann. § 49-2-509(4)(2003); Admin. R. Mont. 24.9.1714(3)*. After careful and due consideration, the Commission concludes the determination of the Department to dismiss the complaint is sufficiently supported by the record and there was no abuse of discretion.

A party may ask a district court to review a decision of the Commission to affirm the dismissal of a complaint. *Admin. R. Mont. 24.9.1714(7); See also Mont. Code Ann.*

§ 2-4-702. If a charging party chooses to commence a civil action, charging party has 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) (2003); Admin. R. Mont. 24.9.1714(5)*. If a charging party fails to commence a civil action within 90 days, the claim is time barred. *Id.*

IT IS HEREBY ORDERED, that Danny Kelly's objection is **overruled**. The Commission adopts and affirms the determination of the Human Rights Bureau to dismiss the complaint.

DATED this \_\_\_\_ day of January 2006.

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Chair Franke Wilmer  
Human Rights Commission

CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this \_\_\_\_\_ day of January 2006.

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Montana Human Rights Bureau