

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

PATTI VILLALOBOS,

Charging Party,

-v-

GALLATIN COUNTY SHERIFF'S
DEPARTMENT,

Respondent.

Case No.: 0059011544

ORDER

On May 20, 2005, Patti Villalobos (Villalobos) filed a complaint with the Department of Labor and Industry's Human Rights Bureau (Department) alleging that her former employer, Gallatin County Sheriff's Department, discriminated on the basis of age and disability. Villalobos further asserted that her former employer failed to provide a reasonable accommodation and had retaliated against her for engaging in a protected activity. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Villalobos's allegations of unlawful discrimination and the Department issued a Notice of Dismissal. Villalobos filed objections with the Montana Human Rights Commission (Commission). The Commission considered Villalobos'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 Patti Villalobos'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.

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.

PATTI VILLALOBOS
PO BOX 86
MANHATTAN MT 59741

PATRICK GALLAGHER
SKAKLES & GALLAGHER
PO BOX 1413
ANACONDA MT 59711

CINDY HARTZOG
GALLATIN COUNTY SHERIFF'S DEPARTMENT
311 WEST MAIN #303
BOZEMAN MT 59715

BARRY O'CONNELL
MOORE O'CONNELL & REFLING PC
PO BOX 1288
BOZEMAN MT 59711

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

Montana Human Rights Bureau