

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

LANCE WATSON,

Charging Party,

-v-

BURLINGTON NORTHERN SANTA FE  
RAILROAD,

Respondent.

Case No.: 0051011512

ORDER

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On April 21, 2005, Lance Watson (Watson) filed a complaint with the Department of Labor and Industry's Human Rights Bureau (Department) alleging that his former employer, Burlington Northern Santa Fe Railroad, discriminated based on race. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Watson's allegations of unlawful discrimination and the Department issued a Notice of Dismissal. Watson filed objections with the Montana Human Rights Commission (Commission). The Commission considered Watson'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 Lance Watson'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.

LANCE WATSON  
730 33<sup>RD</sup> B AVENUE  
GREAT FALLS MT 59404

NICK MAZZELLI  
BURLINGTON NORTHERN SANTE FE RAILWAY  
620 5<sup>TH</sup> AVENUE SOUTH WEST  
GREAT FALLS MT 59404

ROBERT GRAHAM  
BURLINGTON NORTHERN SANTE FE RAILROAD  
801 MAIN AVENUE  
FARGO ND 58103

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

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Montana Human Rights Bureau