

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

Case No.: 0051011473

JENNIFER ZAK,

Charging Party,

-v-

BITTERROOT ARTS AND CERAMICS  
dba Ground Hog Coffee Bar,

Respondent.

**ORDER AFFIRMING  
AGENCY DECISION**

Jennifer Zak (Zak) filed a complaint of pregnancy discrimination against Bitterroot Arts and Ceramics dba Ground Hog Coffee Bar (Bitterroot) with the Department of Labor and Industry. The Hearings Bureau (Bureau) held a contested case hearing pursuant to § 49-2-505, MCA. Following the hearing, the Bureau issued a decision that determined Bitterroot did not discriminate against Zak based on her pregnancy. Zak filed an appeal with the Montana Human Rights Commission (Commission) and requested oral argument. The Commission considered the matter on January 18, 2007. Elizabeth O'Halloran appeared and argued on behalf of Bitterroot. Tiffin Hall appeared and argued on behalf of Zak.

In her appeal, Zak asserted the hearings officer erred in finding that Bitterroot did not discriminate against her based on her pregnancy. Zak also asserted she was entitled to damages. Bitterroot argued the hearings officer's determination was based on substantial evidence and contained no errors of law.

After careful and due consideration, the Commission concludes the Hearings Bureau's decision in this matter is supported by competent substantial evidence and the conclusions of law are correct. The Commission **affirms** the Bureau's decision and hereby adopts and incorporates the decision in its entirety.

A person who has exhausted all administrative remedies available within an agency and who is aggrieved by a final agency decision in a contested case is entitled to file a petition for judicial review within 30 days after service of the final agency decision. Mont. Code Ann. § 2-4-702. The petition must be filed in the district where the petitioner resides or has the petitioner's principal place of business, or where the agency maintains its principal office.

DATED this \_\_\_\_ day of January, 2007.

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Chair Ryan C. Rusche  
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 January \_\_\_\_, 2007.

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Montana Human Rights Bureau