

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

SUSAN MONTGOMERY,

Charging Party,

-v-

HELENA SCHOOL DISTRICT No. 1,

Respondent.

Case # 0091013403

ORDER

Susan Montgomery (Montgomery) filed a complaint with the Department of Labor and Industry (Department) alleging that Helena School District No. 1 discriminated against her based on age when she was not rehired for the following school year. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Montgomery's allegations of unlawful discrimination. The Department issued a Notice of Dismissal. Montgomery filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on July 22, 2009.

The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Section 49-2-511(2), MCA*. After careful consideration, the Commission concludes the determination of the Department to dismiss the complaint in this case is not an abuse of discretion.

If a charging party chooses to commence a civil action in district court, the charging party has 90 days after the date this order is issued to petition a district court, in the district where the alleged violation occurred, for the appropriate relief. *Section 49-2-511(3)(a), MCA*. If a charging party fails to commence a civil action within 90 days, the claim is time barred. *Id.*

Alternatively, a party may ask a district court to review the decision of the Commission to affirm the dismissal of a complaint. *Section 49-2-511(3)(b), MCA; Mont. Code Ann. § 2-4-702.* This review must be requested within 30 days after the date this order is issued.

IT IS HEREBY ORDERED, that Susan Montgomery's objections are **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against Helena School District No. 1.

DATED this ____ day of July, 2009.

Chair Ryan C. Rusche
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 July, 2009.

SUSAN MONTGOMERY
PO BOX 1643
BROWNING MT 59417

SUSAN MONTGOMERY
4410 SOUTH 7TH STREET WEST
MISSOULA MT 59804

JEFFREY HINDOEN
KALEVA LAW OFFICE
PO BOX 1450
HELENA MT 59624-1450

Montana Human Rights Bureau