

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

WILLIAM WILKINSON,

Charging Party,

-v-

HAVRE POLICE DEPARTMENT,

Respondent.

Case # 0091013441

ORDER

William Wilkinson (Wilkinson) filed a complaint with the Department of Labor and Industry (Department) alleging that the Havre Police Department discriminated against him based on race when he wasn't hired for the Chief of Police position or/and the Assistant Chief Police Position. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Wilkinson's allegations of unlawful discrimination. The Department issued a Notice of Dismissal. Wilkinson 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 William Wilkinson's objections are **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against Havre Police Department.

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.

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Montana Human Rights Bureau