

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

SANDY JOHNS,

Charging Party,

-v-

MONTANA RAIL LINK,

Respondent.

Case No.: 0071012325

**FINAL AGENCY DECISION AFFIRMING  
HEARINGS BUREAU ORDER**

Sandy Johns (Johns) filed a complaint of discrimination against Montana Rail Link (MRL) with the Department of Labor and Industry alleging she was discriminated against based on her age when MRL declined to hire her. The Hearings Bureau (Bureau) held a contested case hearing pursuant to § 49-2-505, MCA. Following the hearing, the hearing officer determined that MRL did not discriminate against Johns because it had a legitimate reason for denying her application for employment.

Johns filed an appeal with the Montana Human Rights Commission (Commission). The Commission considered the matter on March 17, 2009. At the hearing, Johns did not appear. Darla Keck and Matthew Baldassin appeared on behalf of MRL. Darla Keck argued on behalf of MRL.

After careful and due consideration, the Commission concludes the 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 this 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 March 2009.

---

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 March \_\_\_\_\_, 2009.

SANDY JOHNS  
155 MOUNT AVENUE  
MISSOULA MT 59801

DARLA JANE KECK/MATTHEW BALDASSIN  
DATSOPOULOS MACDONALD & LIND PC  
201 WEST MAIN STREET SUITE 201  
MISSOULA MT 59802

---

Montana Human Rights Bureau