

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

JOCELYN NELSON,

Charging Party,

-v-

CITY AND COUNTY OF BUTTE SILVER  
BOW,

Respondent.

Case No.: 0089012782

**FINAL AGENCY DECISION AFFIRMING  
HEARINGS BUREAU ORDER**

Jocelyn Nelson (Nelson) filed a complaint against the City and County of Butte Silver Bow (Butte) with the Department of Labor and Industry alleging she was discriminated against based on her gender when Butte terminated her employment. Nelson also alleges Butte retaliated against her. The Hearings Bureau (Bureau) held a contested case hearing pursuant to § 49-2-505, MCA. Following the hearing, the hearing officer determined that Butte did not discriminate or retaliate against Nelson because it had a legitimate reason for terminating her employment.

Nelson filed an appeal with the Montana Human Rights Commission (Commission). The Commission considered the matter on September 23, 2009. Patrick Fleming appeared and argued on behalf of Nelson. Thomas Welsch appeared and argued on behalf of Butte.

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 November 2009.

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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 November \_\_\_\_, 2009.

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Montana Human Rights Bureau