

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

RON TIFFANY,

Charging Party,

-v-

DILLARD'S,

Respondent.

Case #0081013069

ORDER

Ron Tiffany (Tiffany) filed a complaint with the Department of Labor and Industry (Department) alleging Dillard's discriminated against him on the basis of his disability when he was not accommodated with a 15 minute break before and after his lunch break. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Tiffany's allegations of unlawful discrimination. The Department issued a Notice of Dismissal. Tiffany filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on March 17, 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 Ron Tiffany's objections are **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against Dillard's.

DATED this ____ day of March, 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 March, 2009.

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Montana Human Rights Bureau