

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

EARLENE DEWINTER,

Charging Party,

-v-

HAVRE EAGLES MANOR,

Respondent.

Case No. 0101014147

ORDER

Earlene DeWinter (DeWinter) filed a complaint with the Human Rights Bureau, Department of Labor and Industry (Department) alleging that she was discriminated against in the area of employment on the basis of age when Havre Eagles Manor terminated her employment.

Following an informal investigation, the Department determined that a preponderance of the evidence did not support DeWinter's allegations of unlawful discrimination. The Department issued a Notice of Dismissal. DeWinter filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on September 23, 2010.

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 file a complaint in district court, in the district where the alleged violation occurred, and seek appropriate

relief. *Section 49-2-511(3)(a), MCA.* If a charging party fails to commence a civil action within 90 days, their claims are 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. *Sections 2-4-702 and 49-2-511(3)(b), MCA.* This review must be requested within 30 days of the date of this order.

IT IS HEREBY ORDERED, that Earlene DeWinter's objection is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against Havre Eagles Manor.

DATED this 10th day of October 2010.



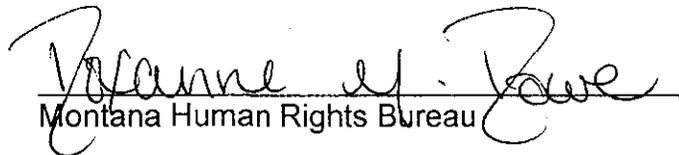
Chair Ryan C. Rusche
Human Rights Commission

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 6th day of October 2010.

EARLENE DEWINTER
736 6TH STREET NORTH
HAVRE MT 59501

HAVRE EAGLES MANOR
C/O WALT BALL
20 WEST 3RD STREET
HAVRE MT 59501


Montana Human Rights Bureau