

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

ANTHONY EVANS,

Charging Party,

-v-

JOLENE FOOTTIT, DESIREE DRAMSTAD
& MONTANA STATE PRISON,

Respondent.

Case No. 0105014217-19

ORDER

Anthony Evans (Evans) filed a complaint with the Human Rights Bureau, Department of Labor and Industry (Department) alleging that he was discriminated against by Jolene Foottit, Desiree Dramstad and Montana State Prison on the basis of race and creed. Evans appeared via telephone and argued on behalf of himself. Brenda Elias appeared and argued on behalf of Montana State Prison, Jolene Foottit and Desiree Dramstad.

Following an informal investigation, the Department determined that a preponderance of the evidence did not support Evan's allegations of unlawful discrimination. The Department issued a Notice of Dismissal. Evans filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on September 22, 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.

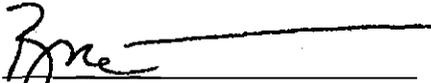
If a charging party chooses to commence a civil action in district court, the charging party has 90 days after the date this order is issued to file a complaint in

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 Anthony Evan's objection is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against Jolene Foottit, Desiree Dramstad and Montana State Prison.

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.

ANTHONY EVANS
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MONTANA STATE PRISON
700 CONLEY LAKE ROAD
DEER LODGE MT 59722

BRENDA ELIAS
DEPARTMENT OF CORRECTIONS
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HELENA MT 59620



Montana Human Rights Bureau