

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

ANN THOMPSON,

Case # 0109014160

Charging Party,

ORDER

-v-

COMMUNITY MEDICAL CENTER,

Respondent.

Ann Thompson (Thompson) filed a complaint with the Department of Labor and Industry (Department) alleging Community Medical Center (Community) discriminated against her in the area of employment on the basis of her age and disability as well as retaliation for having complained about the alleged discrimination to her supervisor. The Department issued a Notice of Dismissal. Thompson filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on September 22, 2010. Elizabeth O'Halloran appeared and argued on behalf of Thompson. Candace Fetscher appeared and argued on behalf of Community.

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 an abuse of discretion. Therefore, the Commission sustains the objection and the case is hereby remanded for hearing to the Hearings Bureau pursuant to § 49-2-505, MCA.

Nothing in this order precludes the parties from engaging in the mediation or other settlement negotiations that would normally occur if the Department's investigative report had found cause. See § 49-2-504(2)(b), MCA.

IT IS HEREBY ORDERED, that Ann Thompson's objection is **sustained**. The Commission reopens and remands the case to the Hearings Bureau for hearing.

DATED this 20th 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.

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