

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

WESLEY CRAWFORD,

Charging Party,

-v-

NORTH CENTRAL INDEPENDENT
LIVING SERVICES AND EMMETT CAIN,

Respondents.

Case # 0091013829-30

ORDER

Wesley Crawford (Crawford) filed a complaint with the Department of Labor and Industry (Department) alleging that North Central Independent Living Services and Emmett Cain discriminated against him on the basis of his race, religion and disability.

Following an informal investigation, the Department determined that a preponderance of the evidence did not support Crawford's allegations of unlawful discrimination. The Department issued a Notice of Dismissal. Crawford filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on May 18, 2010. Crawford appeared by telephone and argued on his own behalf. Jean Faure appeared by telephone and argued on behalf of North Central Independent Living Services. Emmett Cain did not appear.

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 of this order to file a complaint in the district court 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 by the district court must be requested within 30 days of the date of this order.

IT IS HEREBY ORDERED, that Wesley Crawford's objection is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against the North Central Independent Living Services and Emmett Cain.

DATED this ____ day of May 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 _____ day of May 2010.

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Montana Human Rights Bureau