

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

MERIAM NAGEL,

Charging Party,

-v-

YOUTH COURT OF MONTANA
SUPREME COURT JUDICIAL BRANCH,

Respondent.

Case #0091013630

ORDER

Meriam Nagel (Nagel) filed a complaint with the Department of Labor and Industry (Department) alleging that the Youth Court of Montana Supreme Court Judicial Branch discriminated against her in employment on the basis of disability when they failed to hire her.

Following an informal investigation, the Department determined that a preponderance of the evidence did not support Nagel's allegations of unlawful discrimination. The Department issued a Notice of Dismissal. Nagel filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on January 28, 2010. Nagel appeared and argued on her own behalf. Beth Baker appeared and argued on behalf of the Youth Court of Montana Supreme Court Judicial Branch.

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, for the 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. *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 Meriam Nagel's objection is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against the Youth Court of Montana Supreme Court Judicial Branch.

DATED this ____ day of February 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 February 2010.

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