

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

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MARGARET PIERCE,

Charging Party,

-v-

DYNOMART,

Respondent.

Case No. 0101014059

ORDER

Margaret Pierce (Pierce) filed a complaint with the Human Rights Bureau, Department of Labor and Industry (Department) alleging discrimination on the basis of disability (learning impairment) after she was terminated by her employer, Dynamart.

Following an informal investigation, the Department determined that a preponderance of the evidence did not support Pierce's allegations of unlawful discrimination. The Department issued a Notice of Dismissal. Pierce filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on July 21, 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 Margaret Pierce's objection is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against Dynamart.

DATED this \_\_\_\_ day of July 2010.

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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 July 2010.

MARGARET PIERCE  
31221 EAGLE PASS TRAIL  
CHARLO MT 59824

MARGARET BOWMAN  
DYNOMART  
62945 HIGHWAY 93 NORTH  
RONAN MT 59864

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Montana Human Rights Bureau