

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

MITCHELL REINHARDT,
Charging Party,
-v-
BNSF RAILWAY COMPANY,
Respondent.

Case No.: 0071012381

ORDER

Mitchell Reinhardt (Reinhardt) filed a complaint against BNSF Railway Company (BNSF) with the Department of Labor and Industry alleging he was discriminated against based on his age and disability when BNSF terminated his employment. The Hearings Bureau (Bureau) held a contested case hearing pursuant to § 49-2-505, MCA. Following the hearing, the hearing officer determined that BNSF did not discriminate against Reinhardt because it had a legitimate reason for terminating his employment. Reinhardt filed an appeal with the Montana Human Rights Commission (Commission). The Commission considered the matter on March 17, 2010. Peter Michael Meloy appeared and argued on behalf of Reinhardt. Ben Rechtfertig appeared and argued on behalf of BNSF.

After careful and due consideration, the Commission concludes the Bureau's decision in this matter is supported by conclusions of law which are correct. The Commission did not review the findings of fact because no issues regarding the findings were presented on appeal by the charging party. The Commission **affirms** the Bureau's decision and hereby adopts and incorporates the decision in its entirety.

A person who has exhausted all administrative remedies available within an agency and who is aggrieved by a final agency decision in a contested case is entitled

to file a petition for judicial review within 30 days after service of this final agency decision. Mont. Code Ann. § 49-2-505(9), § 2-4-702. The petition must be filed in the district where the petitioner resides or has the petitioner's principal place of business, or where the agency maintains its principal office.

DATED this ____ day of April 2010.

Chair Ryan C. Rusche
Human Rights Commission

CERTIFICATE OF SERVICE

The undersigned employee of the Human Rights Bureau certifies that a true copy of the forgoing Human Rights Commission ORDER was served on the following persons by U.S. mail, postage prepaid, on April _____, 2010.

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