

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

TAMMY SEIBER-HARRIS,

Charging Party,

-v-

KING OF THE MOUNTAIN D/B/A BURGER
KING,

Respondent.

Case No. 0101014282

ORDER

Tammy Seiber-Harris(Harris) filed a complaint with the Human Rights Bureau, Department of Labor and Industry (Department) alleging that she was subjected to a hostile work environment at Burger King on the basis of her mental disability.

Following an informal investigation, the Department determined that a preponderance of the evidence did not support Seiber-Harris' allegations of unlawful discrimination. The Department issued a Notice of Dismissal. Seiber-Harris 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 Tammy Seiber-Harris' objection is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against King of the Mountain d/b/a Burger King.

DATED this ____ day of July 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 July 2010.

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Montana Human Rights Bureau