

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

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TONIA TATSEY,

Charging Party,

-v-

BROWNING PUBLIC SCHOOLS,

Respondent.

Case #0098013723

ORDER

Tonia Tatsey (Tatsey) filed a complaint with the Department of Labor and Industry (Department) alleging that Browning Public Schools retaliated against her for previous protected activities by paging her repeatedly over the intercom, giving her an evaluation that was less favorable than the previous one, having her students questioned about the CRT testing process, and other incidents. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Tatsey's allegations of unlawful discrimination. The Department issued a Notice of Dismissal. Tatsey filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on March 17, 2010. Roberta Cross Guns appeared and argued on behalf of Tatsey. Jessica Brubaker appeared and argued on behalf of Browning Public Schools.

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 Tonia Tatsey's objection is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against the Browning Public Schools.

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

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Montana Human Rights Bureau