

BEFORE THE MONTANA DEPARTMENT
OF LABOR AND INDUSTRY

IN THE MATTER OF HUMAN RIGHTS BUREAU CASE NO. 0091013656:

WENDY TUTTLE,)	Case No. 882-2010
)	
Charging Party,)	ORDER DISMISSING,
)	NOTICE OF ISSUANCE
vs.)	OF HEARING OFFICER
)	DECISION AND OF
ROCKY MOUNTAIN CARE CENTER,)	APPEAL RIGHTS
)	
Respondent.)	

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On June 7, 2010, the Hearing Officer issued his “Order Granting Motion for Summary Judgment and Giving Notice of Intent to Dismiss and Deadline for Objections,” stating therein the deadline by which any interested party could file an objection to dismissal based upon the summary judgment granted to respondent. The Hearings Bureau has received confirmation from counsel for both parties and from department counsel for the Human Rights Bureau that no such objections will be filed. Based upon the summary judgment that Tuttle did not suffer from a disability (“regarded as” or otherwise), her complaint is dismissed because she cannot establish that the respondent illegally discriminated against her because of disability.

This order is also the notice of issuance of the Hearing Officer Decision. Tuttle’s rights to seek review of this Hearing Officer Decision are set forth herein, below.

This decision of the Hearing Officer is an administrative decision appealable to the Human Rights Commission, issued today in this contested case. Unless there is a timely appeal to the Human Rights Commission, this decision of the Hearing Officer becomes final, not appealable to district court. Mont. Code Ann. § 49-2-505(3)(c)

TO APPEAL, YOU MUST, WITHIN 14 DAYS OF ISSUANCE OF THIS NOTICE, FILE A NOTICE OF APPEAL, WITH 6 COPIES, with:

Human Rights Commission
c/o Katherine Kountz
Human Rights Bureau, Department of Labor and Industry
P.O. Box 1728
Helena, Montana 59624-1728

You must serve ALSO your notice of appeal, and all subsequent filings, on all other parties of record.

ALL DOCUMENTS FILED WITH THE COMMISSION MUST INCLUDE THE ORIGINAL AND 6 COPIES OF THE ENTIRE SUBMISSION.

The provisions of the Montana Rules of Civil Procedure regarding post decision motions are NOT applicable to this case, because the statutory remedy available for a party aggrieved by a decision, which is a timely appeal to the Montana Human Rights Commission pursuant to Mont. Code Ann. § 49-2-505 (4), precludes extending the appeal time for post decision motions seeking relief from the Hearings Bureau, which would be available in district court pursuant to the Rules.

The Commission must hear all appeals within 120 days of receipt of notice of appeal. Mont. Code Ann. § 49-2-505(5).

DATED this 9th day of June, 2010.

/s/ TERRY SPEAR

Terry Spear, Hearing Officer
Hearings Bureau

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CERTIFICATE OF MAILING

The undersigned hereby certifies that true and correct copies of the foregoing document were, this day, served upon the parties or their attorneys of record by depositing them in the U.S. Mail, postage prepaid, and addressed as follows:

BRENDA WAHLER
ATTORNEY AT LAW
PO BOX 1455
HELENA MT 59624

GREGORY C BLACK
CORETTE POHLMAN & KEBE PC
PO BOX 509
BUTTE MT 59703-0509

Signed this 9th day of June, 2010.

/s/ SANDRA PREBIL

Legal Secretary, Hearings Bureau
Montana Department of Labor and Industry