

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

GREGORY WURSTER,

Charging Party,

-v-

JILL ZIGNEGO

Respondent.

Case # 0102014064

ORDER

Gregory Wurster (Wurster) filed a complaint with the Human Rights Bureau, Department of Labor and Industry (Department) alleging that Jill Zignego, property manager, discriminated against him based on his disability.

Following an informal investigation, the Department determined that a preponderance of the evidence did not support Wurster's allegations of unlawful discrimination. The Department issued a Notice of Dismissal. Wurster filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on May 18, 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* . The charging party must request review by the district court within 30 days of the date of this order.

IT IS HEREBY ORDERED, that Gregory Wurster's objection is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against Jill Zignego.

DATED this ____ day of May 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 May 2010.

GREGORY WURSTER
439 IOWA AVENUE
WHITEFISH MT 59937

JILL ZIGNEGO
FIVE STAR RENTAL
704 BAKER AVENUE
WHITEFISH MT 59937

Montana Human Rights Bureau