

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

Austin Lake,

Case No. 0101014595

Charging Party,

ORDER

-v-

Plum Creek,

Respondent,

Charging Party, Austin Lake (Lake), filed a complaint with the Human Rights Bureau, Department of Labor and Industry (Department) alleging discrimination on the basis of disability (drug and alcohol addiction and chronic pain syndrome) in employment with Plum Creek, Respondent.

Following an informal investigation, the Department determined that a preponderance of the evidence did not support Lake's allegations of unlawful discrimination. The Department issued a Notice of Dismissal and Right-to-Sue letter. Lake filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on May 18, 2011.

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 unanimously 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, the claim is 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 Austin Lake's objection is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against Plum Creek.

DATED this 20th day of May 2011



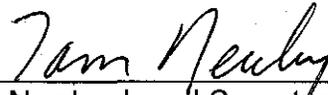
L.M. Minich, Chair
Human Rights Commission

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 20th day of May 2011.

AUSTIN LAKE
131 PARKSIDE DRIVE
KALISPELL, MT 59901

PLUM CREEK
KAYLEEN KOHLER
P.O. BOX 1990
COLUMBIA FALLS, MT 59912



Tam Newby, Legal Secretary
Montana Human Rights Bureau