

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

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JERRY SALAZAR,

Charging Party,

-v-

MONTANA DEPARTMENT OF  
CORRECTIONS, MONTANA STATE  
PRISON,

Respondent,

Case No. #0115014681

ORDER

Jerry Salazar (Salazar) filed a complaint with the Human Rights Bureau, Department of Labor and Industry (Department) alleging discrimination on the basis of race, national origin, and disability in governmental services by Montana Department of Corrections, Montana State Prison.

Following an informal investigation, the Department determined that a preponderance of the evidence did not support Salazar's allegations of unlawful discrimination. The Department issued a Notice of Dismissal. Salazar filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on March 16, 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 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 Salazar's objection is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against Montana Department of Corrections, Montana State Prison.

DATED this 16<sup>th</sup> day of March 2011

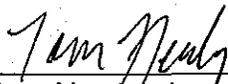
  
L.M. Minich, Chair  
Human Rights Commission

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 <sup>22<sup>nd</sup></sup> ~~18<sup>th</sup>~~ day of March 2011.

Jerry Salazar Ao#41163  
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Deer Lodge, MT 59722

Montana Department of Corrections,  
Montana State Prison  
Colleen Ambrose  
P.O. Box 201301  
Helena, MT 59620

  
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Tam Newby, Legal Secretary  
Montana Human Rights Bureau