

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

Joel T. Steinmetz,)	
Charging Party,)	HRC CASE NO. 0119014771
)	
v.)	
)	FINAL AGENCY ORDER
Costco Wholesale Corp.,)	
Respondent.)	

Charging Party, Joel T. Steinmetz (Steinmetz), filed a complaint with the Department of Labor and Industry (Department) alleging discrimination in employment on the basis of physical disability, age, retaliation, and denial of promotion. Following an informal investigation, the Department's Human Rights Bureau determined that a preponderance of the evidence did not support Steinmetz's allegations that Respondent, Costco Wholesale Corp, discriminated against Joel T. Steinmetz. The Department issued a Notice of Dismissal. Steinmetz filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on September 14, 2011. Joel T. Steinmetz appeared pro se and argued on his own behalf. John G. Crist appeared and argued on behalf of Costco Wholesale Corp.

The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Mont. Code Ann. § 49-2-511(2)*. 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. *Mont. Code Ann. § 49-2-511(3)(a)*. If a charging party fails to commence a civil action within 90 days, the 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. *Mont. Code Ann. §§ 2-4-702 and 49-2-511(3)(b)*. This review must be requested within 30 days of the date of this order.

IT IS HEREBY ORDERED, that Steinmetz's objection is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against Costco Wholesale Corp.

DATED this 30th day of September 2011.



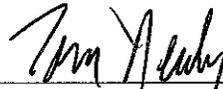
L.M. Minich, Chair
Human Rights Commission

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 30th day of September 2011.

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Tam Newby, Legal Secretary
Montana Human Rights Bureau