

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

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|---------------------------|---|-------------------------|
| STELLA KENT, |) | |
| Charging Party |) | HRC CASE NO. 0119014816 |
| |) | |
| v. |) | |
| |) | FINAL AGENCY DECISION |
| MONTANA DEPT. OF JUSTICE, |) | |
| Respondent |) | |

Charging Party, Stella Kent (Kent), filed a complaint with the Department of Labor and Industry (Department) alleging discrimination in employment on the basis of sex (female), physical disability, and retaliation. Following an informal investigation, the Department's Human Rights Bureau determined that a preponderance of the evidence did not support Kent's allegations that Respondent, Montana Department of Justice, discriminated against Kent. The Department issued a Notice of Dismissal. Kent filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on September 14, 2011. Kent appeared pro se and argued on her own behalf. Katherine J. Orr appeared and argued on behalf of the Montana Department of Justice.

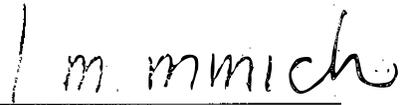
The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Mont. Code Ann. § 49-2-511(2)*. After careful consideration, the Commission concludes the determination of the Department to dismiss the complaint in this case is not an abuse of discretion.

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 Kent's objection is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against Montana Department of Justice.

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.

STELLA KENT
1015 HOLLINS AVENUE
HELENA, MT 59601

KATHERINE ORR
MT DEPT. OF JUSTICE
P.O. BOX 201404
HELENA, MT 59620



Tam Newby, Legal Secretary
Montana Human Rights Bureau