

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

MIKEL A. CORNELL,
Charging Party,

-v-

MEDICAL LOGISTICS SOLUTIONS, INC.,
Respondent,

HRB CASE # 0119014952

FINAL AGENCY DECISION

Charging Party, Mikel A. Cornell (Cornell), filed a complaint with the Department of Labor and Industry (Department) alleging discriminatory retaliation in employment. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Cornell's allegations that Respondent Medical Logistics Solutions, Inc., retaliated against Cornell. The Department issued a Notice of Dismissal. Cornell filed an objection with the Montana Human Rights Commission (Commission).

The Commission considered the matter on January 19, 2012. Although Cornell did not request oral argument, Respondent Medical Logistics Solutions, Inc., did request oral argument. The Commission notified Cornell by mail on January 13, 2012 that oral argument had been scheduled. Tam Newby, Secretary to the Commission left multiple voice messages for Cornell on January 13, January 18 and January 19, 2012, to determine whether Cornell wished to present oral argument at the Commission meeting. At the time of the hearing, the Ms. Newby called Cornell again but was unable to reach him by telephone. Teri Walter appeared and argued on behalf of Medical Logistics Solutions, Inc.

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.

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 January 2012.

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/s/ Tam Newby
Tam Newby, Legal Secretary
Montana Human Rights Bureau