

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

LORNE MURPHY,
Charging Party

HRB CASE NO. 0121015654

-v-

FINAL AGENCY DECISION

COPPER HORSE RESTAURANT,
Respondent

Charging Party, Lorne Murphy (Murphy), filed a complaint with the Department of Labor and Industry (Department) alleging discrimination in employment on the basis of disability and/or perceived disability. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Murphy's allegations that Respondent, Copper Horse Restaurant, discriminated against Murphy. The Department issued a Notice of Dismissal. Murphy filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter June 14, 2013. Lorne Murphy represented herself in briefing this matter and William Hanson, attorney, represented the employer, Copper Horse Restaurant. No oral argument was requested.

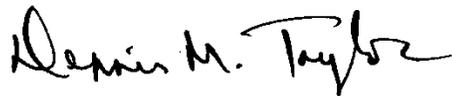
The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Section 49-2-511(2), MCA*. After careful consideration, the Commission concludes the determination of the Department to dismiss the complaint in this case is not an abuse of discretion.

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. A party must promptly serve copies of a petition for judicial review upon the Human Rights Commission and all parties of record. *Section 2-4-702(2), MCA.*

IT IS HEREBY ORDERED, that Lorne Murphy's objection is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against Copper Horse Restaurant.

DATED this 14th day of June, 2013.



Dennis M. Taylor, 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 17th day of June, 2013.

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