

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

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WALTER FREUND,  
Charging Party,

-v-

NORTHWESTERN ENERGY,  
Respondent

HRB CASE NO. 0141016947

FINAL AGENCY DECISION

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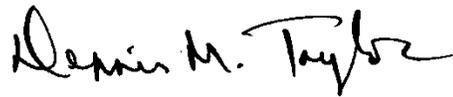
Charging Party, Walter Freund (Freund), filed a complaint with the Department of Labor and Industry (Department) alleging unlawful discrimination in employment on the basis of disability. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Freund's allegations that Respondent, Northwestern Energy, unlawfully discriminated against Freund. The Department issued a Notice of Dismissal. Freund filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on March 20, 2015. Michael J. San Souci appeared and argued on behalf of Freund. John Crist appeared and argued on behalf of Northwestern Energy.

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 an abuse of discretion. Therefore, the Commission sustains the objection and the case is hereby remanded for hearing to the Hearings Bureau pursuant to § 49-2-505, MCA.

Nothing in this order precludes the parties from engaging in the mediation or other settlement negotiations that would normally occur if the Department's investigative report had found cause. See § 49-2-504(2)(b), MCA.

IT IS HEREBY ORDERED, that Walter Freund's objection is **sustained**. The Commission reopens and remands the case to the Office of Administrative Hearings for hearing.

DATED this 24th day of March, 2015.

A handwritten signature in black ink that reads "Dennis M. Taylor". The signature is written in a cursive style with a large initial "D" and a long, sweeping underline.

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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 24th day of March, 2015.

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Annah Smith, Legal Secretary  
Montana Human Rights Bureau