

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

WESLEY OLD COYOTE,
Charging Party

-v-

MONTANA DEPARTMENT OF
ADMINISTRATION, SHEILA HOGAN, RON
BALDWIN AND LYNNE PIZZINI,
Respondent

HRB CASE NOS. 0160099, 0160100,
0160101 & 0160102

FINAL AGENCY DECISION

Charging Party, Wesley Old Coyote (Old Coyote), filed a complaint with the Department of Labor and Industry (Department) alleging discrimination in employment on the basis of race and retaliation. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Old Coyote's allegations that Respondent, Department of Administration, et al., discriminated against Old Coyote. The Department issued a Notice of Dismissal. Old Coyote filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on July 22, 2016. Wesley Old Coyote appeared and presented argument on his own behalf. Marjorie L. Thomas appeared and argued on behalf of Department of Administration, et al.

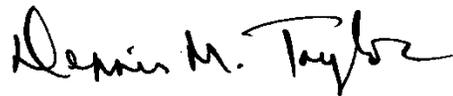
The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Section 49-2-511(2), MCA*. After careful consideration, the Commission concludes the determination of the Department to dismiss the complaint in this case is not an abuse of discretion.

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, 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. *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 Wesley Old Coyote's objection is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against Department of Administration, et al..

DATED this 3rd day of August, 2016.



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 3rd day of August, 2016.

WESLEY OLD COYOTE
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HELENA, MT 59601

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Annah Howard, Legal Secretary
Montana Human Rights Bureau