

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

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KATHLEEN BRANDIS,  
Charging Party,

-v-

TOWN OF WEST YELLOWSTONE,  
Respondent

HRB CASE NO. 0190200

REMAND ORDER

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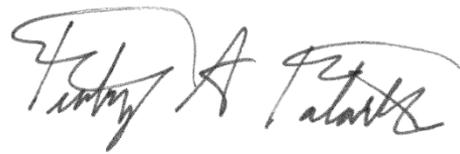
Charging Party, Kathleen Brandis (Brandis), filed a complaint with the Department of Labor and Industry (Department) alleging unlawful discrimination in employment on the basis of sex, political belief, and retaliation. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Brandis's allegations that Respondent, the Town of West Yellowstone, unlawfully discriminated against Brandis. The Department issued a Notice of Dismissal. Brandis filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on November 15, 2019. Kathleen Brandis appeared via telephone and argued on behalf of herself. Michael J. Lilly appeared and argued on behalf of the Town of West Yellowstone.

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 an abuse of discretion. Specifically, the Investigator did not fully analyze Brandis's claim of discrimination based on political belief. Therefore, the Commission sustains the objection and the case is hereby remanded for hearing to the Office of Administrative Hearings pursuant to Mont. Code Ann. § 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. Mont. Code Ann. § 49-2-504(2)(b).

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

DATED this 13th day of January 2020.

A handwritten signature in black ink, appearing to read "Timothy A. Tatarka". The signature is fluid and cursive, with a large initial "T" and "A".

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Timothy A. Tatarka, 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 13th day of January 2020.

Kathleen Brandis  
1417 S. Church Ave.  
Bozeman, MT 59715

Michael J. Lilly  
Elizabeth W. Lund  
Berg Lilly, P.C.  
1 West Main Street  
Bozeman, MT 59715



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Annah Howard, Legal Secretary  
Montana Human Rights Bureau