

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

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FAITH DAWSON,  
Charging Party,

-v-

LOGAN HEALTH, ET AL.,  
Respondent

HRB CASE NO. 0220032

REMAND ORDER

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Charging Party, Faith Dawson (Dawson), filed a complaint with the Department of Labor and Industry (Department) alleging unlawful discrimination in public accommodation on the basis of disability and retaliation. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Dawson's allegations that Respondent, Logan Health, et al., unlawfully discriminated against Dawson. The Department issued a Notice of Dismissal. Dawson filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on July 22, 2022. Faith Dawson appeared and argued on behalf of herself. Katrina Feller appeared and argued on behalf of Logan Health, 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 Department abused its discretion in failing to investigate Ms. Dawson's secondary complaint regarding potential retaliation by Logan Health. Therefore, the Commission sustains the objection and the case is hereby remanded for hearing to the Office of Administrative Hearings 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 Faith Dawson's objection is **sustained**. The Commission reopens and remands the case to the Office of Administrative Hearings for hearing.

DATED this 28th day of July 2022.



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Peter M. Damrow, 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 28th day of July 2022.

Faith Dawson  
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Sean Goicoechea  
Katrina Feller  
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Annah Howard, Legal Secretary  
Montana Human Rights Bureau