

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

NORMAN SIBLEY,
Charging Party,

HRB CASE NO. 0210478

-v-

REMAND ORDER

EGT, LLC, et al.,
Respondent

Charging Party, Norman Sibley (Sibley), 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 Sibley’s allegations that Respondent, EGT, LLC, et al., unlawfully discriminated against Sibley. The Department issued a Notice of Dismissal. Sibley filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on March 18, 2022. David L. Irving appeared and argued on behalf of Sibley. Roger G. Trim appeared and argued on behalf of EGT, LLC, 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 an abuse of discretion. 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 Norman Sibley's objection is **sustained**. The Commission reopens and remands the case to the Office of Administrative Hearings for hearing.

DATED this 28th day of April 2022.



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 April 2022.

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