

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

LYLE CARR,)	
CHARGING PARTY,)	
)	CASE NO. 0001009203
vs.)	
)	ORDER AFFIRMING
IBEX CONTRACT WEATHER,)	DISMISSAL
RESPONDENT.)	

The above-captioned matter came before the Montana Human Rights Commission (Commission) on October 23, 2000. The matter was before the Commission for consideration of the charging party's objection to the dismissal of the complaint. Oral argument was not requested and the matter was considered on the record.

After reviewing the record, the Commission finds that the Human Rights Bureau properly dismissed the matter. The record shows that charging party stated a prima facie case of age discrimination in employment when he was laid off from his position of Weather Observation Manager. However, the record supports the investigator's finding that respondent had a legitimate non-discriminatory reason for laying off charging party because it is respondent's business practice to hire new managers, regardless of age, when it takes over a weather observation contract. Charging Party failed to prove by a preponderance of the evidence that he was subjected to age discrimination. Accordingly, the matter was properly dismissed.

The parties are advised that the charging party has 90 days after receipt of this order to file a civil action in district court to seek appropriate relief. *Section 49-2-509(5), MCA*. If the charging party fails to file a civil action in district court within that 90 day period, the charging party's claims under the Human Rights Act as stated in the above-captioned complaint will be barred.

IT IS HEREBY ORDERED, that the Human Rights Bureau's order dismissing the complaint is affirmed and the charging party's objection is overruled.

Dated this 1st day of November, 2000.

Gloria "Patt" Etchart, Chair, Montana Human Rights Commission

CERTIFICATE OF SERVICE

The undersigned employee of the Human Rights Bureau certifies that a true copy of the foregoing **Order Affirming Dismissal** was served on the following persons by U. S. Mail, postage prepaid on the 1st day of November 2000

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IBEX CONTRACT WEATHER
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