

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

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| RICHARD JUPKA, |) | |
| CHARGING PARTY, |) | |
| |) | CASE NO. 0001009150 |
| vs. |) | |
| |) | ORDER AFFIRMING |
| HELENA INDEPENDENT RECORD, |) | 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 notice of dismissal and notice of right to file civil action in district court. The parties requested oral argument and the matter was considered on the record and briefs submitted by the parties.

After reviewing the record and hearing the arguments of the parties, the Commission finds that the notice of dismissal was properly issued. Charging party stated a prima facie case of age and sex discrimination, but respondent articulated legitimate non-discriminatory grounds for not hiring the charging party. The two younger women who were hired for the advertising sales consultant positions were both ranked higher than charging party by the hiring committee, and both had substantially greater and extremely successful experience in sales in the Helena area. The record supports the investigator's findings, and the Commission cannot conclude that issuing the notice of dismissal was an abuse of discretion. *Mont. Admin. R. 24.9.1714(3)*.

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 charging party's objection is overruled and the notice of dismissal is affirmed.

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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