

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

BRUCE BOURDELAIS,)	
Charging Party,)	
)	CASE NO. 0001009310
v.)	
)	ORDER AFFIRMING DISMISSAL
SEMITOOL, INC.)	
Respondent.)	

The above-captioned matter came before the Montana Human Rights Commission (Commission) on March 20, 2001. The matter was before the Commission for consideration of the Charging Party's objection to the dismissal of the complaint. Oral argument was requested. Douglas Wold, attorney for respondent, appeared for the Respondent. Counsel for Charging Party did not appear.

After consideration of the record and arguments advanced by the parties, the Commission finds that the Human Rights Bureau properly dismissed the matter. The record shows that Charging Party stated a prima facie case because he was disabled by spinal stenosis, he was qualified for the job from which he was terminated, and he requested an accommodation. However, the record supports the Investigator's finding that Respondent had a legitimate business reason for terminating Charging Party because Respondent's insubordination and his unprofessional behavior which he refused to correct led to his termination. Charging Party failed to prove by a preponderance of the evidence that he was discriminated against on account of his disability, or that Respondent's reasons for terminating him were a pretext for discrimination. *24.9.610, ARM*. Accordingly, the matter was properly dismissed.

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

Dated this ___ day of March, 2001.

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 _____ day of March, 2001.

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