

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

\*\*\*\*\*

MARVIN DALE,	)	
CHARGING PARTY,	)	
	)	CASE NO. 0001009229
vs.	)	
	)	ORDER AFFIRMING
BURLINGTON NORTHERN R. R. ,)	)	DISMISSAL
RESPONDENT.	)	

\*\*\*\*\*

The above-captioned matter came before the Montana Human Rights Commission (Commission) on January 16, 2001. The matter was before the Commission for consideration of 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 overrules the charging party's objections. The record shows that although charging party is an insulin dependent diabetic, he has failed to show that his diabetes substantially limits one of more of his major life activities. Substantial credible evidence in the record supports the investigator's finding that charging party was not disabled or considered to be disabled by respondent. Because the investigator concluded that charging party did not meet his burden of proving that he was disabled, the issue of accommodation was not addressed in the final investigative report.

Dated this \_\_ day of <month>, <year>.

---

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 **«document name»** was served on the following persons by U. S. Mail, postage prepaid on the day of «month», «year».

«ADDRESS»

---