

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

STANLEE DULL,)	
Charging Party,)	
)	CASE NO. 9908008677
v.)	
)	ORDER AFFIRMING
AMERICAN DIABETES ASSOCIATION,)	FINAL AGENCY DECISION
Respondent.)	

The above-captioned matter came before the Montana Human Rights Commission (Commission) on July 16, 2001. The matter was before the Commission for consideration of Charging Party's appeal from the Final Agency Decision issued on April 3, 2001. Appearing before the Commission were Antonia Marra, for the Charging Party, and Maureen Lennon, for Respondent.

After consideration of the record and the arguments of the parties, the Commission concludes that the Hearing Examiner did not err in finding that Charging Party was not retaliated against by Respondent for having filed an internal complaint of sexual harassment and a subsequent complaint of discrimination with the Human Rights Bureau. The Commission finds that substantial, competent evidence in the record, *24.9.1717(2), ARM*, indisputably shows that Respondent was reorganized on a national level, merging the Montana diabetes association into the national organization. Evidence in the record also shows that Charging Party's job duties and accountability were changed on account of the reorganization. The Commission agrees with the Hearing Examiner's conclusion that Charging Party did not meet her burden of proving that Respondent retaliated against her by undermining her ability to communicate with staff members, by dealing with problem solving with staff members directly, and by refusing to discuss administrative issues with her. These administrative changes flowed from the Respondent's reorganization and were not motivated by retaliatory animus. The Hearing Examiner properly dismissed Charging Party's complaint.

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 objections to the notice of dismissal and notice of right to file civil action are overruled and that the Final Agency Decision finding that Respondent did not unlawfully retaliate against Charging Party is affirmed.

Dated this __ day of July, 2001.

Gary Hindoien, 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 July, 2001.

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