

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

ROSEMARY DIANE MARTINEZ,)	
Charging Party,)	
)	CASE NO. 0011009447
v.)	
)	ORDER AFFIRMING
POWER MOTORS,)	DISMISSAL
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 the Charging Party's objection to the dismissal of the complaint. Oral argument was not requested and briefs were not submitted. 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 failed to state a prima facie case of sexual harassment. Although Charging Party is a member of a protected class (she is female), she was unable to provide evidence to substantiate her claim of unwelcome sexual advances and conduct by an employee of Respondent. Witness statements provided to the Investigator failed to substantiate Charging Party's claims. *See Sardigal v. St. Louis Nat. Stockyards, 41 Empl. Prac. Dec. P.36,613 (S.D.Ill. Oct. 28, 1986)*. Charging Party also failed to show that Respondent knew or should have known of the conduct of which she complained. *Meritor Savings Bank v. Vinson, 106 S.Ct. 2399 (1986)*. The Investigator properly concluded that Charging Party did not prove by a preponderance of the evidence that she was sexually harassed or subjected to a sexually hostile environment. 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 overruled.

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.

ROSEMARY DIANE MARTINEZ
PO BOX 33
GERALDINE, MT 59446

POWER MOTORS
GEORGE FULTS
PO BOX 339
FORT BENTON, MT 59442

Farah Davidson, Human Rights Bureau