

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

NEIDA MERICA,)	
)	
Charging Party,)	CASE NO. 9609007651
)	
v.)	ORDER AFFIRMING DISMISSAL
)	
ASARCO, HYDROMETRICS, INC.,)	
JAY SPICKELMIER & RANDY PUGH,)	
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 not requested and the matter was considered on the record.

After reviewing the record, the Commission finds that the Human Rights Bureau properly dismissed the matter. The Investigator found that Charging Party stated a prima facie case of different terms and conditions in employment on account of her gender, but did not state a prima facie case of unequal pay or retaliation. The Investigator relied on internal documents, circumstantial and comparative evidence to reach her conclusion because Charging Party did not present direct evidence of discrimination. *24.9.610(3), ARM*. The record supports the Investigator's conclusion that Respondent met its burden of presenting a legitimate, non-discriminatory reason for giving Charging Party the employment evaluations that she claims were discriminatory. Charging Party did not provide evidence to prove that Respondent's reasons were a pretext for discrimination. *24.9.610(4), ARM*. Accordingly, the notice of dismissal and notice of right to file civil action in district court must be affirmed.

IT IS HEREBY ORDERED, that the Charging Party's objection is unanimously overruled and the notice of dismissal is affirmed.

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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Farah Davidson, Human Rights Bureau