

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

WILLIAM PRATT,)	
CHARGING PARTY,)	
)	CASE NOS. 0001009254,
)	0001009255 & 0001009256
vs.)	
)	ORDER AFFIRMING
GRUPO MEXICO, ASARCO, &)	DISMISSAL
HYDROMETRICS,)	
RESPONDENTS.)	

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 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. Although charging party stated a prima facie case of age and disability discrimination in employment, the record shows that respondent was eliminating a number of higher paying positions when it terminated charging party. Charging party failed to prove by a preponderance of the evidence that he was fired because of his lifting restriction or his age. Indeed, respondent laid off a number of employees who were older than charging party. The record does not show that charging party's position was filled with a younger employee without a lifting restriction. Respondent claimed that poor economic conditions were the reason for its terminating charging party. Charging party has not proven that this reason was a pretext for discriminating against him. *Texas Dept. of Comm. Affairs v. Burdine, 450 U.S. 248, 256 (1981)*. 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 «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»
