

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

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|----------------------|---|----------------------------------|
| JERRY STRADINGER, |) | |
| Charging Party, |) | |
| |) | CASE NO. 0011009509 |
| vs. |) | |
| |) | ORDER AFFIRMING DISMISSAL |
| BUTTE SILVER BOW LAW |) | |
| ENFORCEMENT AGENCY, |) | |
| Respondent. |) | |

The above-captioned matter came before the Montana Human Rights Commission (Commission) on September 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 record shows that Charging party stated a prima facie case of employment discrimination, but that Respondent provided a reasonable non-discriminatory reason for the employment actions taken against Charging Party. The records supports the Investigator’s finding that Charging Party failed to establish by a preponderance of the evidence that he was disciplined and demoted by Respondent because of his political beliefs. The record shows that Respondent’s reason for disciplining and demoting Charging Party was based on a manpower shortage and Charging Party’s poor job performance. The Investigator did not abuse her discretion when she issued a notice of dismissal. 24.9.1714(3), ARM. Accordingly, the notice of dismissal 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 October, 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 October, 2001.

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