

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

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BRENDA STRAND,	)	
Charging Party,	)	
	)	CASE NO. 0009009359
vs.	)	
	)	<b>ORDER SUSTAINING</b>
UFCW INTERNATIONAL & UFCW	)	<b>OBJECTION AND</b>
LOCAL #4,	)	<b>REMANDING FOR HEARING</b>
Respondent.	)	

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The above-captioned matter came before the Montana Human Rights Commission (Commission) on May 21, 2001. The matter was before the Commission for consideration of the Charging Party's objection to the notice of dismissal and notice of right to file a civil action in district court. Appearing before the Commission were David C. Berkoff for the Charging Party, Shirley Lee for UFCW Local #4, and Jennifer Hendricks for UFCW International.

After consideration of the record and the arguments of the parties, the Commission sustains the objection of the Charging Party and remands the matter for a hearing. In remanding the matter for a hearing, the Commission finds the lack of information about the Charging Party's use of a tincture of grain alcohol, the relationship between the UFCW International and the UFCW Local #4, and the alleged failure to contract some of the Charging Party's witnesses to be fatal to the finding that no reasonable cause to believe unlawful discrimination or retaliation occurred. At hearing, the parties will be responsible for securing their own witnesses for testimony and the unavailability of witnesses, or the failure to contact witnesses, should not present a problem.

The Commission finds that the omissions from the Investigator's report preclude a finding that the conclusion of the Final Investigative Report is supported by a preponderance of the evidence. A contested case hearing is the proper avenue to develop the matter fully.

Dated this \_\_ day of May, 2001.

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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 SUSTAINING OBJECTION AND REMANDED FOR HEARING** was served on the following persons by U. S. Mail, postage prepaid on the \_\_\_\_\_ day of May, 2001.

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