

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

MELISSA THUNE,)	
Charging Party,)	
)	CASE NO. 0011009622
vs.)	
)	
CHESTER SCHOOL DISTRICT,)	ORDER AFFIRMING
Respondent.)	DISMISSAL

The above-captioned matter came before the Montana Human Rights Commission (Commission) on November 15, 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 failed to state a prima facie case of employment discrimination based upon physical disability. The record supports the investigator’s finding that Charging Party failed to establish by a preponderance of the evidence that she was an otherwise qualified individual with a disability. The record shows that Charging Party’s alleged disability of a knee injury was corrected by surgery and that Respondent terminated Charging Party due to her poor job performance during her probationary period, for which she was warned. 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 Charging Party’s objection is unanimously overruled and the notice of dismissal is affirmed.

Dated this __ day of November, 2001.

Gary Hindoiien, 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 November ____, 2001

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