

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

LYNETTE VANGEN,)	
)	
Charging Party,)	CASE NO. 0009009325
)	
v.)	
)	ORDER AFFIRMING DISMISSAL
WESTERN ENERGY,)	
)	
Respondent.)	

The above-captioned matter came before the Montana Human Rights Commission (Commission) on March 19, 2001. The matter was before the Commission for consideration of Charging Party's objection to the dismissal of the complaint. Oral argument was requested by Charging Party who later withdrew her request. There was no oral argument by either party.

After reviewing the record, the Commission finds that the Human Rights Bureau properly dismissed the matter. The record supports the Investigator's finding that although Charging Party stated a prima facie case of sexual harassment because she is a member of a protected class (female) who alleged that she was subjected to a sexually hostile work environment, her allegations were not supported by a preponderance of the evidence. *Section 49-2-509(3)(c), MCA*. Further, the record supports the Investigator's finding that Charging Party stated a prima facie case of different treatment on account of her sex, but that Respondent met its burden of stating a legitimate business reason for requiring Charging Party to perform the duties of her position. Charging Party failed to provide evidence 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.

LYNETTE VANGEN
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PARK CITY, MT 59063

WESTERN ENERGY
BOB COPE, PRESIDENT
PO BOX 99
COLSTRIP, MT 59323

Farah Davidson, Human Rights Bureau