

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

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RUSSELL PANNONI,	)	
Charging Party,	)	CASE NO. 0001009127
	)	
v.	)	<b>ORDER AFFIRMING</b>
	)	<b>FINAL AGENCY DECISION</b>
BOARD OF TRUSTEES,	)	<b>OF DISMISSAL</b>
BROWNING SCHOOL DISTRICT NO 9	)	
STEVE SMYTH & KEN WERNER,	)	
Respondents.	)	

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The above-captioned matter came before the Montana Human Rights Commission (Commission) on March 21, 2002, for consideration of Charging Party's appeal from the Final Agency Decision issued on November 15, 2001. Appearing before the Commission were Michael Dahlem, attorney for Charging Party, and Catherine Swift, attorney for Respondent Browning School District.

After consideration of the entire record and the oral arguments of both parties, the Commission agrees with the Hearing Examiner's conclusion that Respondent Browning School District did not illegally discriminate against Charging Party in his employment because although Charging Party did suffer from a disability, he was not otherwise a qualified person. The Commission also agrees with the Hearing Examiner's conclusion that Respondent Browning School District did not illegally retaliate against Charging Party. The Hearing Examiner properly dismissed Charging Party's claims against Respondent Browning School District.

A party may appeal from this order by filing a petition for judicial review with the district court no later than thirty (30) days from the service of this order pursuant to § 2-4-701, et. seq., MCA.

IT IS HEREBY ORDERED that Charging Party's appeal of the Final Agency Decision is DENIED and the Final Agency Decision is AFFIRMED in its entirety.

Dated this \_\_\_\_\_ day of April, 2002.

\_\_\_\_\_  
Gary Hindoiem, 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 FINAL AGENCY DECISION OF DISMISSAL** was served on the following persons by U. S. Mail, postage prepaid on the \_\_\_\_\_ day of April, 2002.

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