

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

MOLLY NICKELSON,)	
)	
Charging Party,)	Cause No. 0041010753
)	
vs.)	ORDER SUSTAINING
)	CHARGING PARTY'S
)	OBJECTION
TOTAL EDUCATION SOLUTIONS IN)	
TECHNOLOGY,)	
)	
Respondent.)	

On June 1, 2004, the Human Rights Bureau issued a Final Investigative Report and corresponding Notice of Dismissal and Notice of Right to Sue in the above-captioned matter. Charging Party, Molly Nickelson (Nickelson), filed objections with the Montana Human Rights Commission (Commission) and requested oral argument. Maureen Lennon entered an appearance for Nickelson and Trent Baker entered an appearance for Respondent, Total Education Solutions in Technology (TEST). The Commission considered the matter on September 23, 2004.

In the Final Investigative Report (FIR), the Human Rights Bureau Investigator determined that a preponderance of the evidence did not support Nickelson's assertion that her former employer, TEST, terminated her employment after she disclosed her pregnancy. After careful and due consideration of the record, the Commission sustains the Charging Party's objection in this matter. The Commission finds the determination of the Human Rights Bureau is not sufficiently supported and constitutes an abuse of discretion pursuant to 24.9.1714(3), ARM.

The Commission sustains Charging Party's objection and it is **HEREBY ORDERED** that the matter is remanded to the Department of Labor and Industry's Hearings Bureau to notice it for hearing pursuant to 24.9.1714(4)(b), ARM.

Dated this _____ day of September 2004.

Mr. Gary Hindoien, Chair
Montana Human Rights Commission

CERTIFICATE OF SERVICE

The undersign employee of the Human Rights Bureau certifies that a true copy of the forgoing Human Rights Commission ORDER was served on the following persons by U.S. mail, postage prepaid, on September ____ 2004.

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