

**BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA**

SHAWN AKANE,

Charging Party,

-v-

CITY OF MISSOULA,

Respondent

Case No.: 0051011246

ORDER

On March 21, 2005, 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, Shawn Akane (Akane), filed objections with the Montana Human Rights Commission (Commission). The Commission considered the matter on July 19, 2005.

In the Final Investigative Report (FIR), the Human Rights Bureau Investigator determined a preponderance of the evidence did not support Akane's assertion that Respondent, City of Missoula, discriminated based on race.

After careful and due consideration, the Commission concludes the determination of the Human Rights Bureau is not sufficiently supported by the record and there has been an abuse of discretion in the issuance of a Notice of Dismissal. *Admin. R. Mont. 24.9.1714(3)*.

Therefore, IT IS HEREBY ORDERED, that Charging Party's objection is **sustained**. When the Commission sustains a Charging Party's objections to the dismissal of a complaint, the Commission will reopen the case by remanding it to the Hearings Bureau to give notice for hearing. *Admin. R. Mont. 24.9.1714(4)(b)*. A party

may ask a district court to review a decision of the Commission to remand a contested case to the department. *Admin. R. Mont. 24.9.1714(7)*

DATED this ____ day of July 2005.

Chair Franke Wilmer
Human Rights Commission

CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this ____ day of July, 2005.

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Montana Human Rights Bureau