

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

PING HO,

Charging Party,

-v-

FALLON COUNTY LIBRARY,

Respondent.

Cause No. 00510011194

**ORDER SUSTAINING  
OBJECTION**

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On February 28, 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, Ping Ho (Ho), filed objections with the Montana Human Rights Commission (Commission). The Commission considered the matter on May 17, 2005.

In the Final Investigative Report (FIR), the Human Rights Bureau Investigator determined a preponderance of the evidence did not support Ho's assertion that her employer, Respondent Fallon County Library, had unlawfully discriminated because of race.

After careful and due consideration, the Commission concluded the Human Rights Bureau abused its discretion in the issuance of a Notice of Dismissal. *Admin. R. Mont. 24.9.1714(3)*. In discussion, the Commission noted that the investigation was lacking in comparative data. Charging Party Ping Ho presented evidence during the investigation she had been required to follow Respondent Fallon County Library rules and policies. The Commission finds the record lacks comparative evidence that would

establish that Respondent Fallon County applied its rules and policies in a legitimate non-discriminatory manner to persons outside of Ho's protected class.

IT IS HEREBY ORDERED, that Charging Party's objection is sustained. When the Commission **sustains** the objections to the dismissal of a complaint, it will reopen the case by remanding it to the department. *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 May 2005.

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Chair Franke Wilmer  
Human Rights Commission

## CERTIFICATE OF SERVICE

The undersigned 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 May \_\_\_\_ 2005.

PING HO  
507 MONROE STREET  
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FALLON COUNTY  
ALBERT R BATTERMAN  
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BAKER MT 59313

MARIEKE BECK  
DEPARTMENT OF LABOR AND INDUSTRY  
OFFICE OF LEGAL SERVICES  
PO BOX 1728  
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Montana Human Rights Bureau