

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

LITA PEPION,

Charging Party,

-v-

INDIAN HEALTH BOARD BILLINGS, INC,

Respondent

Case No.: 0051011285

**ORDER**

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On May 3, 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, Lita Pepion (Pepion), 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 Pepion's assertion that Respondent Indian Health Board of Billings (IHBB), discriminated based on gender and retaliation.

After careful and due consideration, the Commission concludes the determination of the Human Rights Bureau is in error. The Commission finds 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 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 July 2005.

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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 NOTICE OF TIME AND PLACE OF CONSIDERATION OF was mailed to the following by U.S. Mail, postage prepaid, on this \_\_\_\_\_ day of July, 2005.

LITA PEPION  
616 SOUTH 35<sup>TH</sup> STREET  
BILLINGS MT 59102

MARJORIE BEAR DON'T WALK  
INDIAN HEALTH BOARD OF BILLINGS INC.  
1127 ALDERSON AVENUE  
BILLINGS MT 59102

THOMAS MALEE  
ATTORNEY AT LAW  
1109 NORTH 22<sup>ND</sup> STREET SUITE 103A  
BILLINGS MT 59101

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Montana Human Rights Bureau