

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

CHERYL BROCK,

Charging Party,

-v-

RON MURI dba BILLINGS HOTEL AND
CONVENTION CENTER,

Respondent.

Case # 0048010982

**ORDER AFFIRMING
AGENCY DECISION**

Cheryl Brock (Brock) filed a complaint of retaliatory discrimination against Ron Muri dba Billings Hotel and Convention Center (Billings Hotel) with the Department of Labor and Industry. The Hearings Bureau (Bureau) held a contested case hearing pursuant to § 49-2-505, MCA. Following the hearing, the Bureau issued a decision that determined the Billings Hotel retaliated against Brock. The Billings Hotel filed an appeal with the Montana Human Rights Commission (Commission) and requested oral argument. The Commission considered the matter on December 14, 2006. Shawn Cosgrove appeared and argued on behalf of the Billings Hotel. Robert Stephens, Jr. appeared and argued on behalf of Brock.

In its appeal, the Billings Hotel asserted the hearing officer erred in finding that it retaliated against Brock. The Billings Hotel argued that the hearing officer should have found it had legitimate reasons for the adverse actions taken against Brock, including her termination from employment. The Billings Hotel asserted her complaint of

retaliation should have been dismissed. The Billings Hotel also asserted the damages award was in error. Brock argued the hearing officer's determination was based on substantial evidence and contained no errors of law. Brock also asserted the damages award was proper in that it was also based on substantial evidence and correct as a matter of law.

After careful and due consideration, the Commission concludes the Bureau's decision in this matter is supported by competent substantial evidence and the conclusions of law are correct. The Commission **affirms** the Bureau's decision and hereby adopts and incorporates the decision in its entirety.

A person who has exhausted all administrative remedies available within an agency and who is aggrieved by a final agency decision in a contested case is entitled to file a petition for judicial review within 30 days after service of the final agency decision. Mont. Code Ann. § 2-4-702. The petition must be filed in the district where the petitioner resides or has the petitioner's principal place of business, or where the agency maintains its principal office.

DATED this ____ day of December, 2006.

Chair Ryan Rusche
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 this _____ day of _____, ____.

ROBERT STEPHENS JR
SOUTHSIDE LAW CENTER
PO BOX 1438
BILLINGS MT 59103-1438

SHAWN COSGROVE
PARKER HEITZ & COSGROVE PLLC
PO BOX 7212
BILLINGS MT 59103-7212

Montana Human Rights Bureau