

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

STEVE WILSON,

Charging Party,

-v-

TAYLOR'S AUTO MAX,

Respondent.

Case # 0081012707

ORDER

Steve Wilson (Wilson) filed a complaint with the Department of Labor and Industry (Department) alleging that Taylor's Auto Max (Taylor's) discriminated against him on the basis of his age. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Wilson's allegations of unlawful discrimination. The Department issued a Notice of Dismissal. Wilson filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on July 23, 2008.

The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Section 49-2-511(2), MCA*. After careful consideration, the Commission concludes the determination of the Department to dismiss the complaint in this case is an abuse of discretion. Therefore, the Commission sustains the objection and the case is hereby remanded for hearing to the Hearings Bureau pursuant to *§ 49-2-505, MCA (2007)*.

IT IS HEREBY ORDERED, that Steve Wilson's objection is **sustained**. The Commission reopens and remands the case to the Hearings Bureau for hearing.

DATED this ____ day of July, 2008.

Chair Ryan Rusche
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, 2008.

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