

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

LAURICE ANDERSON,
Charging Party,

-v-

LAST CHANCE CASINO and
JASON LOVSHIN,

Respondents,

Case Numbers:
#0111014729 and #0111014730

ORDER

Charging Party, Laurice Anderson, (Anderson) filed a complaint with the Human Rights Bureau, Department of Labor and Industry (Department) alleging discrimination in employment on the basis of age.

Following an informal investigation, the Department determined that a preponderance of the evidence did not support Anderson's allegations of unlawful discrimination. The Department issued a Notice of Dismissal. Anderson filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on July 20, 2011.

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 unanimously concluded the determination of the Department to dismiss the complaint in this case was not an abuse of discretion.

If a charging party chooses to commence a civil action in district court, the charging party has 90 days after the date this order is issued to file a complaint in district court, in the district where the alleged violation occurred, and seek appropriate relief. *Section 49-2-511(3)(a), MCA*. If a charging party fails to commence a civil action within 90 days, charging party's claims are time barred. *Id.*

Alternatively, a party may ask a district court to review the decision of the Commission to affirm the dismissal of a complaint. *Sections 2-4-702 and 49-2-511(3)(b), MCA.* This review must be requested within 30 days of the date of this order.

IT IS HEREBY ORDERED, that Anderson's objection to the Notice of Dismissal is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against Last Chance Casino and Jason Lovshin.

DATED this 1st day of August 2011.

L.M. Minich, Chair
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 1st day of August 2011.

LAURICE ANDERSON
3664 RAINBOW
HELENA, MT 59602

JASON LOVSHIN
LAST CHANCE CASINO
1001 NORTH LAST CHANCE GULCH
HELENA, MT 59601

Tam Newby, Legal Secretary
Montana Human Rights Bureau