

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

KANDY SATTERLEE,
Charging Party,

Case #119015048

-v-

ORDER
TO REMAND

FLATHEAD COUNTY,
Respondent.

Charging Party, Kandy Satterlee (Satterlee), filed a complaint with the Department of Labor and Industry (Department) alleging discrimination in employment on the basis of disability and retaliation. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Satterlee's allegations that Respondent Flathead County, discriminated against Satterlee. The Department issued a Notice of Dismissal. Satterlee filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on May 9, 2012. Elizabeth O'Halloran appeared and argued on behalf of Charging Party Satterlee. Maureen Lennon appeared and argued on behalf of Respondent Flathead County.

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 an administrative hearing before the Hearings Bureau, pursuant to § 49-2-505, MCA.

Nothing in this order precludes the parties from engaging in the mediation or other settlement negotiations that would normally occur if the Department's investigative report had found cause. See § 49-2-504(2)(b), MCA.

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

DATED this 14th day of May, 2012.

_____/l.m.minich/_____
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 14th day of May, 2012.

ELIZABETH A. O'HALLORAN
ATTORNEY AT LAW
P.O. BOX 4947
MISSOULA, MT 59806-4947

MAUREEN H. LENNON
LEGAL SERVICES
MONTANA ASSOCIATION OF COUNTIES
2717 SKYWAY DRIVE, SUITE F
HELENA, MT 59602

_____/tamnewby/_____
Tam Newby, Legal Secretary
Montana Human Rights Bureau