

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

DAVID STREETER,
Charging Party

-v-

FRENCHTOWN RURAL FIRE DISTRICT &
FRANK STANLEY,
Respondent

HRB CASE NO.
0131015727 & 0131015761

ORDER
FINAL AGENCY DECISION

Charging Party, David Streeter (Streeter), filed a complaint with the Department of Labor and Industry (Department) alleging discrimination in employment, training and education, and government services on the basis of disability, sex and retaliation. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Streeter's allegations that Respondent, Frenchtown Rural Fire District and Frank Stanley, discriminated against Streeter. The Department issued a Notice of Dismissal. Streeter filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on July 19, 2013. Dan Flaherty appeared and argued on behalf of Streeter. Paul Sandry appeared and argued on behalf of Frenchtown Rural Fire District. C.J. Johnson appeared and argued on behalf of Frank Stanley.

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 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.*

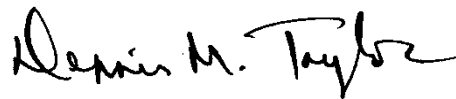
If a charging party fails to commence a civil action within 90 days, their claims are time barred. *Id.*

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. A party must promptly serve copies of a petition for judicial review upon the Human Rights Commission and all parties of record.

Section 2-4-702(2), MCA.

IT IS HEREBY ORDERED, that David Streeter's objection is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against Frenchtown Rural Fire District and Frank Stanley.

DATED this 22nd day of July, 2013.



Dennis M. Taylor, 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 22nd day of July, 2013.

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