

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

\*\*\*\*\*

TIFFANY SORENSON,  
Charging Party,

-v-

TOWN PUMP,  
Respondent

HRB CASE NO. 0200063

REMAND ORDER

\*\*\*\*\*

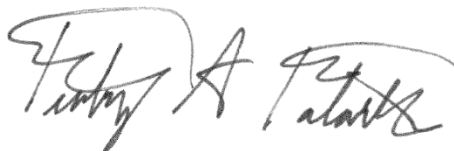
Charging Party, Tiffany Sorenson (Sorenson), filed a complaint with the Department of Labor and Industry (Department) alleging unlawful discrimination in employment on the basis of disability and retaliation. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Sorenson's allegations that Respondent, Town Pump, unlawfully discriminated against Sorenson. The Department issued a Notice of Dismissal. Sorenson filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on July 24, 2020. No oral argument was requested for this hearing.

The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. Mont. Code Ann. § 49-2-511(2). After careful consideration, the Commission concludes the determination of the Department to dismiss the complaint in this case is an abuse of discretion. The Department did not properly apply the 180-day statute of limitations to Sorenson's claim of a hostile work environment. Therefore, the Commission sustains the objection and the case is hereby remanded for hearing to the Office of Administrative Hearings pursuant to Mont. Code Ann. § 49-2-505.

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 Mont. Code Ann. § 49-2-504(2)(b).

IT IS HEREBY ORDERED, that Tiffany Sorenson's objection is **sustained**. The Commission reopens and remands the case to the Office of Administrative Hearings for hearing.

DATED this 12th day of August 2020.

A handwritten signature in black ink, reading "Timothy A. Tatarka". The signature is written in a cursive style with a large initial "T" and "A".

---

Timothy A. Tatarka, 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 12th day of August 2020.

Joseph Nevin  
Attorney at Law  
3624 Green Meadow Drive  
Helena, MT 59602

Cynthia L. Walker  
Poore, Roth & Robinson, P.C.  
1341 Harrison Ave.  
Butte, MT 59701



---

Annah Howard, Legal Secretary  
Montana Human Rights Bureau