

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

SHARON DENNISTON obo M.D.,
Charging Party,

HRB CASE NO. 0160372

-v-

REMAND ORDER

SPECIAL OLYMPICS OF MONTANA,
Respondent

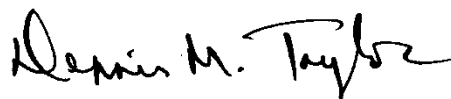
Charging Party, Sharon Denniston obo M.D. (Denniston), filed a complaint with the Department of Labor and Industry (Department) alleging unlawful discrimination in public accommodation on the basis of disability. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Denniston's allegations that Respondent, Special Olympics of Montana, unlawfully discriminated against Denniston. The Department issued a Notice of Dismissal. Denniston filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on March 23, 2017. Beth Brenneman appeared and argued on behalf of Sharon Denniston. Antonia P. Marra appeared and argued on behalf of Special Olympics of Montana.

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 Office of Administrative Hearings 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 Sharon Denniston's objection is **sustained**. The Commission reopens and remands the case to the Office of Administrative Hearings for hearing.

DATED this 31st day of March, 2017.

A handwritten signature in black ink that reads "Dennis M. Taylor". The signature is written in a cursive style with a horizontal line underneath it.

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 31st day of March, 2017.

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Annah Howard

Annah Howard, Legal Secretary
Montana Human Rights Bureau