

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

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ROBERT HEALY IV,  
Charging Party,

-v-

PIERCE COMPANIES GRP, INC.,  
Respondent

HRB CASE NO. 0160562

REMAND ORDER

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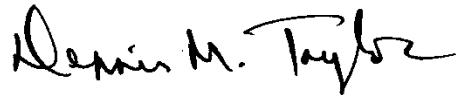
Charging Party, Robert Healy IV (Healy), filed a complaint with the Department of Labor and Industry (Department) alleging unlawful discrimination in employment on the basis of religion, creed, race, national origin, color and retaliation. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Healy's allegations that Respondent, Pierce Companies Grp, Inc., unlawfully discriminated against Healy. The Department issued a Notice of Dismissal. Healy filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on March 23, 2017. Bryan L. Spoon appeared and argued on behalf of Healy. Kelly J. Varnes appeared and argued on behalf of Pierce Companies Grp, Inc.

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, in part, an abuse of discretion. The Commission overrules the objection of Healy as to his claim of religious discrimination. However, the Commission sustains the objection as to Healy's claims of retaliation and race discrimination. Therefore, 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 Robert Healy IV's objection is **sustained in part and overruled in part**. The Commission reopens and remands the case to the Office of Administrative Hearings for hearing.

DATED this 30th day of March, 2017.



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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 30th day of March, 2017.

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Annah Howard, Legal Secretary  
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