

BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

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JOSHUA SPERLE,  
Charging Party,

HRB CASE NO. 0170072

-v-

REMAND ORDER

MONTANA DEPARTMENT OF PUBLIC  
HEALTH AND HUMAN SERVICES -  
MONTANA DEVELOPMENT CENTER,  
Respondent

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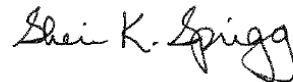
Charging Party, Joshua Sperle (Sperle), filed a complaint with the Department of Labor and Industry (Department) alleging unlawful discrimination in employment on the basis of sex and retaliation. Following an informal investigation, the Department determined that a preponderance of the evidence did not support Sperle's allegations that Respondent, DPHHS - Montana Development Center, unlawfully discriminated against Sperle. The Department issued a Notice of Dismissal. Sperle filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on July 18, 2017. Philip A. Hohenlohe appeared and argued on behalf of Sperle. Mary W. Tapper appeared and argued on behalf of DPHHS - Montana Development Center.

The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. Section 49-2-511(2), MCA; 24.9.121(5), ARM. After careful consideration, the Commission concludes the determination of the Department to dismiss the complaint in this case is an abuse of discretion and is incorrect as a matter of law. 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 Joshua Sperle's objection is **sustained**. The Commission reopens and remands the case to the Office of Administrative Hearings for hearing.

DATED this 8th day of August, 2017.



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Sheri Sprigg, 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 8th day of August, 2017.

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Annah Howard, Legal Secretary  
Montana Human Rights Bureau