

BEFORE THE MONTANA DEPARTMENT
OF LABOR AND INDUSTRY

IN THE MATTER OF HUMAN RIGHTS BUREAU CASE NO. 0061011925:

HEATHER FRANZEL,)	Case No. 694-2007
)	
Charging Party,)	
)	ORDER DISMISSING
vs.)	COMPLAINT OF ILLEGAL
)	DISCRIMINATION
NEEDLE JACK TATTOO SUPPLY,)	
)	
Respondent.)	


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On March 24, 2006, charging party Heather Franzel filed a Charge of Discrimination with the Montana Department of Labor's Human Rights Bureau alleging that respondent Needle Jack Tattoo Supply discriminated against her in employment on the basis of sex (female). On December 15, 2006, the hearing examiner issued an Order Entering Default of Charging Party and Setting Dismissal Date, stating therein, on page 2 (original emphasis):

In accord with the Notice of Hearing, the hearing examiner now gives notice of his intent to dismiss this case unless the Hearings Bureau receives, by close of business on January 4, 2007, a written statement from Franzel of good cause for her failure timely to file her Appearance and Preliminary Pre-Hearing Statement, or a motion by the Human Rights Bureau to intervene in this matter and seek affirmative relief.

The Hearings Bureau has not received either filing. Therefore, the complaint and charges of the charging party are dismissed because of her failure to pursue and exhaust her administrative remedies.

DATED: January 5, 2007.



Terry Spear, Hearing Examiner
Hearings Bureau, Montana Department of Labor and Industry

Notice of Right to Object

Mont. Code Ann. § 49-2-509(4) provides that a department decision to dismiss a Human Rights Act complaint is final unless a party dissatisfied with the decision seeks Commission review by filing objections (an original and 6 copies) within 14 days of service of the decision upon the party. FILE ANY SUCH OBJECTIONS TO THIS DECISION BY JANUARY 22, 2007, WITH: Human Rights Commission, c/o Katherine Kountz, Human Rights Bureau, Department of Labor and Industry, P.O. Box 1728, Helena, Montana 59624-1728, and with all other parties of record. Likewise, file all submissions after your objections with the Human Rights Commission, care of Katherine Kountz at the indicated address. DO NOT FILE YOUR OBJECTIONS OR SUBSEQUENT SUBMISSIONS with the hearing examiner.

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CERTIFICATE OF MAILING

The undersigned hereby certifies that true and correct copies of the foregoing document were, this day, served upon the parties or their attorneys of record by depositing them in the U.S. Mail, postage prepaid, and addressed as follows:

HEATHER FRANZEL
538 HURDLE CIRCLE #443
BILLINGS MT 59102

CHRISTOPHER CARUSO
NEEDLE JACK TATTOO SUPPLY
928 BROADWATER AVE
BILLINGS MT 59101

DATED this 5th day of January, 2007.



cc by e-mail: Marieke Beck, Katherine Kountz