

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE MINNESOTA DEPARTMENT OF HUMAN RIGHTS

State of Minnesota, by David Beaulieu,
Commissioner, Department of Human
Rights,

Complainant,

v.

ASCO Commodities, Inc., Steve
Splittstoesser, and Harold Splittstoesser,

Respondents.

ORDER DENYING

POST-HEARING MOTION

On February 22, 1995, this matter was dismissed with prejudice pursuant to the terms of a fully-executed Settlement Agreement and a Notice of Dismissal executed by the Commissioner of the Minnesota Department of Human Rights.

On March 1, 1995, the Respondents wrote to the Administrative Law Judge requesting that the Dismissal Order be amended to affirmatively state that the "Respondents have a right to fly the Christian Flag, to put scriptural quotations on their work assignment board, to pass out religious literature, and to engage in voluntary prayer in their workplace." On March 7, 1995, the Complainant filed objections to Respondent's request.

Because this matter never went to hearing and the Administrative Law Judge never heard evidence on or resolved Respondent's rights or practices, the Respondent's Motion should be denied. Therefore, based upon all the files, records and proceedings herein,

IT IS HEREBY ORDERED:

The Respondents' Motion to amend the language of the Dismissal Order to declare the Respondent's rights, as requested, should be an is hereby DENIED.

Dated this 10th of March, 1995

JON L. LUNDE
Administrative Law Judge

MEMORANDUM

Technically, the Respondents' Motion does not comply with the provisions of Minn. Rules pt. 1400.6600 (1993). It should be dismissed on that ground alone. Even if the Motion contained the notice required under the rule, it should be denied. The Respondents' rights to engage in specified activities under the First Amendment and the Minnesota Human Rights Act were not resolved in this proceeding and it is inappropriate for the Administrative Law Judge to unilaterally declare that the Respondents have the rights set forth in their letter of February 28, 1995.

JLL