FILED
11/24/2026
Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA
Case Number: DA 26-0616

SYNOPSIS OF THE CASE[1]

2026 MT 278, DA 26-0616: BRAD MOLNAR, Plaintiff and Appellant, v. **MONTANA PUBLIC SERVICE COMMISSION; JEFF WELBORN, in his official capacity as a member of the Montana Public Service Commission; JENNIFER FIELDER, in her official capacity as a member of the Montana Public Service Commission; ANNIE BUKACEK, in her official capacity as a member of the Montana Public Service Commission; and GREG GIANFORTE, in his official capacity as Governor of the State of Montana,** Defendants and Appellees.

The Montana Supreme Court affirmed a District Court order denying Brad Molnar's request for immediate restoration to his elected seat on the Montana Public Service Commission (PSC). The Court also returned the case to the District Court with directions to expedite proceedings on his claim that he lacked a prompt and meaningful hearing after his suspension.

Governor Greg Gianforte suspended Molnar without pay for one year on July 9, 2026, after receiving investigative reports concerning alleged workplace misconduct. Molnar sought a preliminary injunction to block the suspension and temporary service by Kirk Bushman while the litigation continued.

The Court concluded that Molnar received sufficient notice and an opportunity to respond before the Governor acted. He therefore did not show that he was likely to prevail on his challenge to the procedures preceding the suspension. His decision to decline investigative interviews did not admit the allegations or surrender his separate right to a hearing after suspension.

The Court distinguished service in elected office from ordinary employment and recognized that money cannot restore a lost opportunity to serve. It nevertheless concluded that evidence of workplace disruption, fear of reporting misconduct, and staff departures supported denying immediate restoration pending prompt review. The Court considered the restrictions that would require Molnar to continue serving remotely if restored.

The District Court must promptly address the unresolved claim concerning procedures after suspension and establish proceedings that allow a meaningful determination of the contested grounds for continued suspension. The Court did not decide whether the misconduct allegations were true or whether the entire one-year suspension was lawful. Its decision does not permit continued suspension through July 8, 2027, without constitutionally required process.

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[1] This synopsis has been prepared for the convenience of the reader. It constitutes no part of the Opinion of the Court and may not be cited as precedent.