

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2011CF1930
)	EEOC NO.: 21BA10729
SIMON MCMURTRY,)	ALS NO.: 12-0214
)	
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Duke Alden, Patricia Bakalis Yadgir, and Terry Cosgrove¹ presiding, upon the Request for Review (“Request”) of Simon McMurtry (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)² of Charge No. 2011CF1930 and the Commission having reviewed all pleadings filed in accordance with 56 Ill. Admin. Code, Ch. XI, Subpt. D, § 5300.400, and the Commission being fully advised upon the premises;

NOW, THEREFORE, it is hereby **ORDERED** that the Respondent’s dismissal for **FAILURE TO PROCEED** is **SUSTAINED**.

DISCUSSION

On August 5, 2010, the Petitioner filed an unperfected charge of discrimination with the Respondent alleging that Unifirst Corporation (“Employer”) reduced his hours due to his race and in retaliation for opposing unlawful discrimination, in violation of Sections 2-102(A) and 6-101(A) of the Illinois Human Rights Act (“Act”). In January 2011, Respondent mailed the charge to Petitioner for signature and notarization, but Petitioner did not respond to this written communication, or to several phone calls, both to Petitioner and his listed contacts. Finally, on July 22, 2011, Respondent mailed Petitioner a letter warning him that his charge would be dismissed if he did not contact Respondent by July 28, 2011. On January 12, 2012, the Respondent dismissed the Petitioner’s charge in its entirety.

Petitioners who have filed a charge are required to cooperate with Respondent’s investigation, including providing updated contact information and necessary information about the charge, and being available for interviews and conferences. 56 Ill. Admin. Code 2520.430(c). Failure to do so allows Respondent to dismiss the charge for failure to proceed. 56 Ill. Admin. Code 2520.560(b); In the Matter of the Request for Review By: Tyrone Bohem, Petitioner, IHRC, ALS No. 10-0144, 2010 WL 7634132 (October 13, 2010).

¹ This Order is in accordance with a vote cast by Commissioner Cosgrove prior to the expiration of his term.
² In a request for review proceeding, the Illinois Department of Human Rights is the “Respondent.” The party to the underlying charge requesting review of the Illinois Department of Human Rights’s action shall be referred to as the “Petitioner.”

The Petitioner filed a timely Request, which does not address his failure to sign the unperfected charge or contact Respondent's staff. Accordingly, the Petitioner has not presented any evidence to show that the Respondent's dismissal of the charge was not in accordance with the Act.

THEREFORE, IT IS HEREBY ORDERED THAT:

1. The dismissal of the Petitioner's charge is hereby **SUSTAINED**.
2. This is a final Order. A final Order may be appealed to the Appellate Court by filing a petition for review, naming the Illinois Human Rights Commission, the Illinois Department of Human Rights, and Unifirst Corporation as respondents, with the Clerk of the Appellate Court within 35 days after the date of service of this Order.

STATE OF ILLINOIS)
) **Entered this 9th day of November 2018.**
HUMAN RIGHTS COMMISSION)

Commissioner Duke Alden

Commissioner Terry Cosgrove

Commissioner Patricia Bakalis Yadgir