

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2011CN3576
)	EEOC NO.: N/A
JOSE A. ARISTA,)	ALS NO.: 12-0218
)	
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Hamilton Chang, Lauren Beth Gash¹, and Robert A. Cantone presiding, upon the Request for Review (“Request”) of Jose A. Arista (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)² of Charge No. 2011CN3576 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 of Petitioner’s charge for **FAILURE TO PROCEED** is **SUSTAINED**.

DISCUSSION

On June 2, 2011, Petitioner filed a charge of discrimination with the Respondent alleging that Raymundo Rosas (“Employer”) sexually harassed him, in violation of Section 2-102(D) of the Illinois Human Rights Act (“Act”). During its investigation, Respondent scheduled a fact-finding conference for December 6, 2011. Petitioner did not appear at the conference. In a phone call, Petitioner confirmed that he had received written notice of the conference but had gotten the dates mixed up. On January 27, 2012, the Respondent dismissed the Petitioner’s charge in its entirety. The Petitioner filed a timely Request.

A party’s failure to attend Respondent’s fact-finding conference without good cause shall result in dismissal or default. 775 ILCS 5/7A-102(C)(4). Good cause includes “death or sudden, serious illness of a party scheduled to attend the fact finding conference; [] death or sudden, serious illness of an immediate family member of a party scheduled to attend the fact finding conference; [] the party acted with due diligence and was not deliberate or contumacious and did not unwarrantedly disregard the fact-finding conference process, as supported by affidavit or other evidence; or circumstances beyond the non-attending party's control, as supported by affidavit or other evidence.” 56 Ill. Admin. Code 2520.440(d)(3)(A). Further, whether good cause exists, and whether a fact-finding conference will be rescheduled, is in the sole discretion of Respondent. 56 Ill. Admin. Code 2520.440(d)(5).

¹ This Order is in accordance with a vote cast by Commissioner Gash prior to the expiration of her 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.”

Petitioner’s reason for not attending the fact-finding conference (getting the dates mixed up) does not meet the definition of “good cause.”

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 Raymundo Rosas, 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 Robert A. Cantone

Commissioner Hamilton Chang

Commissioner Lauren Beth Gash