

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2011CF3931
)	EEOC NO.: 21BA12328
TRACY P. GIERMAN,)	ALS NO.: 12-0711
)	
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Hamilton Chang, Rose Mary Bombela-Tobias, and Robert A. Cantone presiding, upon the Request for Review (“Request”) of Tracy P. Gierman (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)¹ of Charge No. 2011CF3931 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 the Petitioner’s charge for **FAILURE TO PROCEED** is **SUSTAINED**.

DISCUSSION

On April 5, 2011, the Petitioner filed an unperfected charge of discrimination with the Respondent alleging that Counseling Center of Lakeview (“Employer”) discharged her because of physical and mental disabilities, in violation of Section 2-102(A) of the Illinois Human Rights Act (“Act”). On August 17, 2011, Respondent mailed Petitioner a copy of the charge for her signature and notarization. Petitioner did not return the charge. Several phone calls to Petitioner and her listed contacts yielded no response. On August 23, 2012, Petitioner told Respondent that she would withdraw her charge. On September 24, 2012, Respondent sent Petitioner a letter warning that her charge would be dismissed if she did not contact Respondent’s staff.

On November 27, 2012, the Respondent dismissed the Petitioner’s charge in its entirety. The Petitioner filed a timely Request.

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). In her Request, Petitioner provides no explanation for her failure to sign and notarize the charge.

¹ 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.”

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 Counseling Center of Lakeview 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 16th day of November 2018.**
HUMAN RIGHTS COMMISSION)

Commissioner Robert A. Cantone

Commissioner Hamilton Chang

Commissioner Rose Mary Bombela-Tobias