

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST )	
FOR REVIEW BY: )	CHARGE NO.: <b>2013CH2374</b>
)	HUD NO.: <b>05-13-0532-8</b>
<b>JOHN MODLER,</b> )	ALS NO.: <b>13-0458</b>
)	
)	
Petitioner. )	

**ORDER**

This matter coming before the Commission by a panel of three, Commissioners Michael Bigger, Amy Kurson, and Cheryl Mainor presiding, upon John Modler's ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Department of Human Rights ("Respondent")<sup>1</sup> of Charge No. 2013CH2374 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, WHEREFORE, it is hereby **ORDERED** that the Respondent's Notice of Dismissal is **SUSTAINED** for **FAILURE TO PROCEED**.

**DISCUSSION**

On March 1, 2013, the Petitioner filed an unperfected charge of discrimination with the Respondent, perfected on May 22, 2013, alleging that Henry County Housing Authority, and Nat Smith subjected him to discriminatory terms, conditions, privileges, or services and facilities because of his race, black ; and coerced, intimidated, threatened or interfered with the exercise or enjoyment of his fair housing rights or assisting another in enjoying such rights, in violation of Sections 3-102(B), 3-102.(B), and 6-101(A) of the Illinois Human Rights Act. On July 17, 2013, the Respondent dismissed the Petitioner's charge for Failure to Proceed. On July 24, 2013, Petitioner filed this timely Request for Review ("Request") with the Commission.

The Commission concludes that the Respondent properly dismissed the Petitioner's charge for Failure to Proceed. If the Petitioner's fails to cooperate with the Respondent, the Respondent may dismiss the charge pursuant to Section 2520.430(c) of the Respondent's Rules and Regulations. See 56 Ill. Admin. Code, ch. II, Section 2520.430(c). Section 2520.430(c) states that; "A complainant must promptly provide the Department with a notice of any change in address or telephone number or of any prolonged absence from the current address so that he or she can be located. A complainant must cooperate with the Department, provide necessary information and be available for interviews

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<sup>1</sup> In a Request for Review Proceeding, the Illinois Department of Human Rights is the "Respondent." The party to the underlying charge who is requesting review of the Department's action shall be referred to as the "Petitioner."

and conferences upon reasonable notice or request by the Department. If a complainant cannot be located or does not respond to reasonable requests by the Department, the Department may dismiss the charge pursuant to Section 2520.560". In the Petitioner's matter, the Respondent's investigator made numerous attempts by contacting both the Petitioner and his representative regarding pursuing the Petitioner's charge and neither party cooperated with the Respondent by moving the case forward.

In his Request the Petitioner accuses the Respondent's Investigator of being incompetent; however, the Petitioner did not provide any evidence to support his allegation. Additionally, the Petitioner did not provide any evidence that he cooperated with the Respondent's requests to proceed with the investigation of his charge. Accordingly, it is the Commission's decision that the Petitioner has not presented any evidence to show that the Respondent's dismissal of the Charge was not in accordance with the Act. The Petitioners' Request is not persuasive

**THEREFORE, IT IS HEREBY ORDERED THAT:**

The dismissal of Petitioner's charge is hereby **SUSTAINED**.

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, the Henry County Housing Authority, and Nat Smith as Respondents, with the Clerk of the Appellate Court within 35 days after the date of service of this Order.

**STATE OF ILLINOIS**

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**HUMAN RIGHTS COMMISSION**

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**Entered this 30<sup>th</sup> day of October 2018.**

Commissioner Michael Bigger

Commissioner Amy Kurson

Commissioner Cheryl Mainor