

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2013CN3280
	EEOC NO.: N/A
PHILLIP PRATT,)	ALS NO.: 14-0098
)
)
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Michael Bigger, Amy Kurson, and Cheryl Mainor presiding, upon Phillip Pratt's ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Department of Human Rights ("Respondent")¹ of Charge No. 2013CN3280 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

The Petitioner filed an unperfected charge of discrimination with the Respondent on February 9, 2013, alleging that Aramark Services, issued him written warnings based on his marital status, single, and military status, general discharge under honorable conditions, and discharged him based on his marital status and military status, in violation of Section 2-102(A) of the Illinois Human Rights Act ("Act"). On February 24, 2014, the Respondent dismissed the Petitioner's charge for Failure To Proceed in that the Petitioner failed to perfect his charge. On February 28, 2014, the Petitioner filed this timely Request for Review ("Request").

The Commission's review of the Respondent's response leads it to conclude 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 56 Ill. Adm. Code §2520.430(c).

Section 7-102(A) of the Act requires that charge of discrimination be made in writing and under oath or affirmation. See 775 ILCS 5/7-102(A). If the charge is not made under oath or affirmation, the charge remains unperfected and the Respondent cannot proceed with an investigation of the charge.

¹ 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."

When a Petitioner fails to return a signed charge of discrimination to the Respondent, the Respondent may dismiss the charge for Failure to Proceed, pursuant to 56 Ill.Admin.Code, Ch. II, § 2520.560. In the Petitioner's case, the Petitioner has failed to perfect his charge and has not provided good cause for his failure to do so; therefore, the Respondent properly dismissed the Petitioner's charge pursuant to its Rules.

In his Request, the Petitioner does not provide any additional evidence that would warrant a reversal of the Respondent's original determination. The Petitioner merely signed and dated his Request, providing a current address of "Calumet City, Illinois 60409," and a current telephone number. However, the Request was not signed under oath or affirmation. Additionally, the Petitioner has failed to show good cause in his Request as to why he failed to adequately respond to the Respondent's numerous and reasonable requests. 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, Aramark Services 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 29th day of November 2018

Commissioner Michael Bigger

Commissioner Amy Kurson

Commissioner Cheryl Mainor