

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

|                                |                               |
|--------------------------------|-------------------------------|
| IN THE MATTER OF THE REQUEST ) |                               |
| FOR REVIEW BY: )               | CHARGE NO.: <b>2013SF2760</b> |
| )                              | EEOC NO.: <b>21BA31417</b>    |
| <b>KEVIN MOORE,</b> )          | ALS NO.: <b>14-0102</b>       |
| )                              |                               |
| )                              |                               |
| Petitioner. )                  |                               |

**ORDER**

This matter coming before the Commission by a panel of three, Commissioners Michael Bigger, Amy Kurson, and Cheryl Mainor presiding, upon Kevin Moore'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. 2013SF2760 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 February 23, 2013, the Petitioner filed an unperfected charge of discrimination with the Respondent, perfected on April 5, 2013, alleging that Bob Evans, Inc., subjected him to unequal terms and conditions due to his race, black ; denied him a wage increase due to his race, black ; discharged him due to his race, black; and discharged him in retaliation for opposing discriminatory employment practices, in violation of Sections 2-102(A) and 6-101(A) of the Illinois Human Rights Act ("Act"). On February 13, 2014, the Respondent dismissed all counts of Petitioner's charge for Failure to Proceed. On March 12, 2014, the Petitioner filed this timely Request for Review ("Request").

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 argued the merits of his case and he did not provide a reason for his failure to respond to phone calls and written communications from the Respondent. The Request does not include any explanation for the Petitioner's non-compliance with the Respondent's reasonable requests. As such, the Petitioner has not shown good cause for failing to cooperate with the investigation. 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, Bob Evans, Inc. 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 29<sup>th</sup> day of November 2018**

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Commissioner Michael Bigger

Commissioner Amy Kurson

Commissioner Cheryl Mainor