

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST )	
FOR REVIEW BY: )	CHARGE NO.: <b>2013CR3729</b>
)	EEOC NO.: <b>N/A</b>
<b>PHILLIP HOLLINGSWORTH,</b> )	ALS NO.: <b>14-0306</b>
)	
)	
Petitioner. )	

**ORDER**

This matter coming before the Commission by a panel of three, Commissioners, Hermene Hartman, Steve Kim and Cheryl Mainor presiding, upon Phillip Hollingsworth's ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Department of Human Rights ("Respondent") of Charge No. 2013CR3729; 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 June 24, 2013, the Petitioner filed an unperfected charge of discrimination with the Respondent, perfected on July 21, 2013, alleging that Syncreon discharged him because of his disability, in violation of Section 2-102(A) of the Illinois Human Rights Act ("Act"). On May 19, 2014, the Respondent dismissed the Petitioner's charge for Failure to Proceed. On June 3, 2014, the Petitioner filed this timely Request for Review ("Request"). On September 22, 2014, the Petitioner filed a Reply to the Respondent's Response.

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 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 argues the merits of his case and does not address the nature of the dismissal of his charge. Furthermore, pursuant 56 Ill. Admin. Code, Ch. II, Section 2520.430(c), the Petitioner has a duty to make himself available to the Respondent and he failed to do so. Moreover, in his Request, the Petitioner fails to provide any evidence to support good cause for his failure to contact the Respondent. In his Reply, the Petitioner argued that he did show good cause and that the Respondent did not leave him a return phone number or the Respondent's address. The Petitioners' Request is not persuasive. 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.

**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, Syncreon 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 28<sup>th</sup> day of November 2018**

Commissioner Hermene Hartman

Commissioner Cheryl Mainor

Commissioner Steve Kim