

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST	)		
FOR REVIEW BY:	)	CHARGE NO.:	<b>2014CF0760</b>
	)	EEOC NO.:	<b>21BA32640</b>
	)	ALS NO.:	<b>14-0348</b>
<b>ALBERT SANCHEZ,</b>	)		

**ORDER**

This matter coming before the Commission by a panel of three Commissioners, Robert A. Cantone, Nabi R. Fakroddin, P.E., S.E. and Hamilton Chang, presiding, upon Albert Sanchez's (the "*Petitioner*") Request for Review (the "*Request*") of the Notice of Dismissal (the "*Notice*") issued by the Illinois Department of Human Rights (the "*Respondent*")<sup>1</sup> of Charge No.: 2014CF0760 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 September 25, 2013, the Petitioner filed a Charge of Discrimination (the "*Charge*") with the Respondent, in which he alleged that his employer, Prudential Protective Services, LLC (the "*Employer*") harassed him due to his national origin, Mexico, and failed to assign him work due to his national origin, Mexico, in violation of Section 2-102(A) of the Illinois Human Rights Act, 775 ILCS 5/1-101 *et seq.* (the "*Act*"). On May 19, 2014, the Respondent dismissed the Petitioner's Charge for Failure to Proceed. On August 11, 2014, the Petitioner filed this timely Request.

Following the filing of the Charge, the Respondent contacted the Petitioner and informed him that a Fact Finding Conference was slated for April 16, 2014 at 1:00 p.m. During that conversation, the Petitioner agreed to attend the Fact Finding Conference. In addition, on April 2, 2014, the Respondent mailed notice to the Petitioner informing him that he was scheduled for a Fact Finding Conference on April 16, 2014 at 1:00 p.m.

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<sup>1</sup> In a request for review proceeding, the Illinois Department of Human Rights shall be referred to as the "*Respondent*". The party to the underlying charge requesting review of the Illinois Department of Human Rights' action shall be referred to as the "*Petitioner*".

The mail was not returned from the U.S. Postal Service as undeliverable. On April 8, 2014, the Respondent, again, sent the Petitioner a reminder notice regarding the April 16, 2014 Fact Finding Conference. The letter was not returned from the U.S. Postal Service as undeliverable.

On April 16, 2014 at 1:00 p.m., the Employer appeared before the Respondent to participate in the Fact Finding Conference; however, the Petitioner did not appear to participate in the Fact Finding Conference. On April 17, 2014, the Petitioner contacted the Respondent with information that he apparently forgot to attend the Fact Finding Conference. In fact, the Petitioner alleged that he had an interview on April 16, 2014, and, therefore, believed he noted that the Fact Finding Conference was scheduled for April 17, 2014. However, per the Respondent's investigation, the Petitioner did not provide any advanced notice, whether in writing or otherwise, that he would not be able to attend and participate in the Fact Finding Conference. As a result, on May 19, 2014, the Respondent dismissed the Petitioner's Charge for Failure to Proceed and sent the Petitioner notice of his right to file a Request for Review or a complaint with the appropriate Circuit Court within ninety (90) days of receipt of the Notice of Dismissal seeking review of the Respondent's decision to dismiss the Charge.

Subsequently, on August 11, 2014, the Petitioner filed a Request for Review with the Illinois Human Rights Commission as suggested; however, in the Request, the Petitioner failed to raise any arguments to substantiate his request to have the Respondent's dismissal reviewed and reversed.

Pursuant to Section 7A-102 of the Illinois Human Rights Act, [a]ny party's failure to attend the conference without good cause shall result in dismissal or default." See 775 ILCS 7A-102(C)(4). In addition, the Administrative Code defines "good cause" as it relates to the dismissal of a charge under Section 7A-102 of the Act. See 56 Ill. Admin. Code, Part 2520, Ch. II, Section 2520.440 (d)(3)(a)(iii).

In short, the Petitioner failed to appear and participate in the Fact Finding Conference. In addition, the Petitioner failed to provide good cause for his failure to engage in the investigation of his Charge. Moreover, even after filing this timely Request, the Petitioner, yet again, failed to provide any argument why the Commission should overturn the Respondent's decision to dismiss this matter for Failure to Proceed.

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

The dismissal of the Petitioner's Charge for Failure to Proceed is hereby **SUSTAINED**.

This is a Final Order. A Final Order may be appealed to the Illinois Appellate Court by filing a Petition for Review, naming the Illinois Department of Human Rights, the Illinois Human Rights Commission, and Prudential Protective Services, LLC as named party respondents, with the Clerk of the Illinois Appellate Court within 35 days after the date of service of this Final Order.

**STATE OF ILLINOIS** )  
 ) Entered this 20<sup>th</sup> day of December 2018  
**HUMAN RIGHTS COMMISSION** )

Commissioner Robert A. Cantone, Esq.

Commissioner Nabi R. Fakroddin, P.E., S. E.

Commissioner Hamilton Chang