

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST	)		
FOR REVIEW BY:	)	CHARGE NO.:	<b>2014CF1120</b>
	)	EEOC NO.:	<b>21BA40246</b>
	)	ALS NO.:	<b>14-0443</b>
<b>RICARDO REBOLLEDO,</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 Ricardo Rebolledo'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.: 2014CF1120 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 October 31, 2013, the Petitioner filed a Charge of Discrimination (the "*Charge*") with the Respondent, in which he alleged that his employer, Lewis Produce Market, Inc. (the "*Employer*") sexually harassed him due to his sex, male, and discharged him in retaliation for opposing unlawful discrimination, all in violation of Sections 2-102(A) and 6-101(A) of the Illinois Human Rights Act, 775 ILCS 5/1-101 *et seq.* (the "*Act*"). On August 14, 2014, the Respondent dismissed the Petitioner's Charge for Failure to Proceed. On August 27, 2014, the Petitioner filed this timely Request.

Here, following the filing of the Charge, the Respondent issued the Petitioner notice of a Fact Finding Conference which was scheduled for July 9, 2014. The notice informed the Petitioner, in part, that "[f]ailure to attend the conference may result in dismissal of the [C]harge." The Petitioner failed to attend the Fact Finding Conference. In addition, when the Petitioner filed his Charge with the Respondent, his Charge was dually filed with the Equal Employment Opportunity Commission (the "*EEOC*").

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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 Right's action shall be referred to as the Petitioner".

Following Petitioner's failure to attend and participate in the Fact Finding Conference, the EEOC sent him notice informing him that the Respondent was requesting information in order to continue its investigation. Thus, his cooperation within (30) of receipt of the notice was required or the EEOC may dismiss his Charge. Again, the Petitioner never responded to the EEOC's notice. After the Respondent's dismissal for failure to proceed, the Petitioner filed a timely Request, but made no argument as to why the Commission should reverse the Respondent's decision.

Pursuant to Section 7A-102 of the Act, "[a]ny party's failure to attend the conference without good cause shall result in dismissal or default." 775 ILCS5/7A-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 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 Lewis Produce Market, Inc. 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 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