

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)		
FOR REVIEW BY:)	CHARGE NO.:	2014CH2362
)	HUD.:	051406478
MARY HOMER-RADTKE,)	ALS NO.:	14-0512
)		
Petitioner.)		

ORDER

This matter coming before the Commission by a panel of three Commissioners, Chair Rose Mary Bombela-Tobias and Commissioners Patricia Bakalis Yadgir and Michael Bigger presiding upon Mary Homer-Radtke’s (“Petitioner”) Request for Review (“Request”) of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”) of Charge No. 2014CH2362 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 is **SUSTAINED for FAILURE TO PROCEED**.

DISCUSSION

On March 17, 2014, the Petitioner, Mary Homer-Radtke, filed an unperfected housing discrimination charge with the Respondent, alleging the Lake County Housing Authority and Mercy Housing, Inc., d/b/a Lakefront Residences of Grayslake refused to provide a reasonable accommodation “two bedroom apartment” with a walk-in shower which were needed for her disability in violation of Section 3-102.1(C)(2) of the Illinois Human Rights Act. On July 1, 2014, the Respondent dismissed this charge for Failure to Proceed. The Petitioner filed a timely Request for Review on October 6, 2014.

The Commission concludes that the Respondent properly dismissed the Petitioner’s charge for failure to proceed. If the Petitioner 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. Section 7A-102(A)(1) of the Act requires that a charge of discrimination be made in writing and under oath or affirmation. 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 response to reasonable requests by the Department, the Department may dismiss the charge pursuant to Section 2520.560.”

Although the Respondent mailed the charge to the Petitioner for signature on March 19, 2014, the Petitioner failed to perfect her charge of discrimination by having it signed under oath. The Petitioner continued to refuse to sign the charge despite receiving three 10 Day letters from Respondent instructing Petitioner to return the signed charge or face dismissal of her charge. The Petitioner also refused to sign a revised charge which incorporate her hand written changes.¹ As of June 24, 2014, Petitioner had not perfected her complaint. Additionally, Petitioner did not provide any evidence that she cooperated with the Respondent's requests to proceed with the investigation of her charges. Accordingly, it is the Commission's decision that the Respondent's dismissal of the charge for failure to cooperate is proper and was in accordance with the Act.

THEREFORE, IT IS HEREBY ORDERED THAT:

- 1.The dismissal of the Petitioner's charge is hereby SUSTAINED.
- 2.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 Lake County Housing Authority and Mercy Housing, Inc., d/b/a Lakefront Residences of Grayslake as the respondents, with the Clerk of the Appellate Court within 35 days after the date of service of this order.

STATE OF ILLINOIS)
) **Entered this 7th day of Nov. 2018.**
HUMAN RIGHTS COMMISSION)

Chair Rose Mary Bombela-Tobias

Commissioner Patricia Bakalis Yadgir

Commissioner Michael Bigger

¹ Petitioner refused to sign the charge after receiving three 10-day letters dated April 14, 2014, May 20, 2014 and June 6, 2014. The third 10-Day letter was returned to Respondent as undeliverable or unclaimed from the U.S. Postal Office. Additionally, Petitioner filed a Notice of Response to IDHR dated May 1, 2014, Notice of Cure for Prejudice dated May 18, 2014 and Notice of Default dated June 16, 2014 which demonstrated she received the Respondent's letters.