

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)		
FOR REVIEW BY:)	CHARGE NO.:	2014CF3273
)	EEOC NO.:	21BA41842
SEDARELL HOWARD)	ALS NO.:	14-0587
)		
Petitioner.)		

ORDER

This matter coming before the Commission by a panel of three, Commissioners Hermene Hartman, Steve Kim, and Cheryl Mainor presiding, upon Sedarell Howard’s (“Petitioner”) Request for Review (“Request”) of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)¹ of Charge No. 2014CF3273 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 June 17, 2014, the Petitioner filed a charge of discrimination with the Respondent alleging that Proficient Transport, Inc. (“Employer”) harassed and discharged the Petitioner due to his race Section 2-102(A) of the Illinois Human Rights Act (“Act”). On November 7, 2014 the Respondent dismissed the Petitioner’s charge for failure to proceed. The Petitioner filed a timely request.

The Commission concludes that the Respondent properly dismissed the Petitioner’s charge for failure to proceed. The Respondent made multiple attempts to contact the Petitioner which included multiple phone calls and letters to the Petitioner as well as attempting to contact the Petitioner’s alternate contact by phone and mail. Section 2520.430(c) provides: “...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

¹ In a request for review proceeding, the Illinois Department of Human Rights is the “Respondent.” The party to the underlying charge requesting review of the Illinois Department of Human Rights’s action shall be referred to as the “Petitioner.”

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 of this Part..." 56 Ill. Adm. Code §2520.430(c). Section 2520.560(b)(2) further provides that dismissal is appropriate due to: "complainant's failure to proceed, as provided in Section 2520.430(c) of this Part. The notice of dismissal in such cases shall specify the manner in which the complainant has failed to proceed and shall be addressed to the complainant at the last known address..." 56 Ill. Adm. Code §2520.560(b)(2).

In the instant case, the Petitioner maintains he was in the hospital. However, the Petitioner fails to specify any dates or duration of a hospital stay or provide any corroborating evidence to show he was in the hospital during the multiple attempts by the Respondent to contact him regarding his charge.

Accordingly, the Petitioner has not presented any substantial evidence to show that the Respondent's dismissal of the charge was not 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 Proficient Transport, Inc., as respondents, with the Clerk of the Appellate Court within 35 days after the date of service of this Order.

STATE OF ILLINOIS)
) **Entered this 21st day of November 2018**
HUMAN RIGHTS COMMISSION)

Commissioner Hermene Hartman

Commissioner Steve Kim

Commissioner Cheryl Mainor

