

IN THE MATTER OF THE
REQUEST FOR REVIEW BY:

Petitioner.

ALS No.: 24-0065

² This Order is entered pursuant to a 3-0-0 vote by the Commissioners.

contacts advising that Petitioner sign and return the unperfected charge within 30 days or her charge would be dismissed. The letters also attached a withdrawal form for Petitioner to complete in the event she preferred to withdraw her case, as well as a letter from the U.S. Equal Employment Opportunity Commission advising her to cooperate with Respondent's investigation or her charge could be dismissed. These letters were not returned to Respondent as undeliverable. On October 6, 2023, Respondent left another voicemail message with Petitioner requesting she contact Respondent. Respondent did not hear back from Petitioner or Petitioner's alternative contacts and, as a result, Respondent issued Petitioner a notice of dismissal of her charge, dated November 14, 2023.

In her Request, Petitioner states that, after May 15, 2023, she did not receive any additional correspondence from Respondent. She also states that, although she was not able to take Respondent's September 22, 2023 and October 6, 2023 calls, she did call Respondent back several times and left detailed voicemail messages after each attempt. Petitioner claims that, because she is a practicing clinical psychologist, she cannot answer phone calls while in the presence of a patient.

Analysis

Under the Act, a person must file their charge "in writing under oath or affirmation." 775 ILCS 5/7B-102(A)(1); 56 Ill. Admin. Code § 2520.330(e). The person filing the charge must cooperate with Respondent during the investigation; if the person does not cooperate, Respondent can dismiss the charge for failure to proceed. 56 Ill. Admin. Code § 2520.430(c); 56 Ill. Admin. Code § 2520.560. Failure to sign and return an unperfected charge despite Respondent's repeated requests to do so is grounds for dismissal of the charge. *See In re Request for Review by: Rashun Singleton*, IHRC, ALS No. 23-0032, 2023 ILHUM LEXIS 143, *5 (August 29, 2023) (sustaining Respondent's dismissal of a charge for failure to proceed where, despite several requests from Respondent, the petitioner failed to sign and return the charge); *In re Request for Review by: Brian P. Krotser*, IHRC, ALS No. 22-0240, 2023 ILHUM LEXIS 12, *3 (January 17, 2023) (same).

Here, to date, Petitioner has failed to sign and return the charge to Respondent. Petitioner asserts in her Request that she did not receive any of the correspondence from Respondent after May 15, 2023. However, Respondent's September 22, 2023, correspondence, which was sent to Petitioner and each of Petitioner's alternative contacts, was not returned as undeliverable. Further, Respondent's administrative rules dictate that Respondent's September 22, 2023, correspondence was deemed received by Petitioner on September 27, 2023. 56 Ill. Adm. Code 2520.30(c)(1) ("Service by mail shall be deemed complete five days after mailing of the document, properly addressed and posted for delivery to the person to be served"). Thus, because Petitioner has failed to perfect the charge despite receiving Respondent's requests to do so, the Commission sustains Respondent's dismissal of Petitioner's charge for failure to proceed.

CONCLUSION

After reviewing the record, the Commission concludes that Respondent's dismissal of the charge for failure to proceed was in accordance with the Act.

THEREFORE, IT IS HEREBY ORDERED THAT:

1. Respondent's dismissal of Petitioner's charge is **SUSTAINED** for **FAILURE TO PROCEED**.
2. 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 Human Rights Commission, the Illinois Department of Human Rights, and Personal Assistance Telephone Help, Inc., 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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Entered this 4th day of SEPTEMBER 2024.

HUMAN RIGHTS COMMISSION

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Chair Selma D'Souza

Commissioner Jacqueline Y. Collins

Commissioner Janice M. Glenn