

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2009CF1896
)	EEOC NO.: 21BA90717
ROBERT RANKIN)	ALS NO.: 09-0469
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners David Chang, Marylee V. Freeman and Yonnie Stroger presiding, upon Robert Rankin's ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Department of Human Rights ("Respondent")¹ of Charge No. 2009CF1896; and the Commission having reviewed *de novo* the Respondent's investigation file, including the Investigation Report and the Petitioner's Request, and the Respondent's response to the Petitioner's Request; 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 is **SUSTAINED** on the following ground:

FAILURE TO PROCEED

In support of which determination the Commission states the following findings of fact and reasons:

1. On August 4, 2008, the Petitioner filed a charge of discrimination with the Respondent, perfected on December 1, 2008. The Petitioner alleged that Pace Suburban Bus Company ("Pace"), failed to hire him because of his race, Black. On August 14, 2009, the Respondent dismissed the Petitioner's charge for Failure to Proceed. On August 21, 2009, the Petitioner timely filed his Request.
2. The Respondent mailed the Petitioner a notice of fact finding conference on May 13, 2009. The fact finding conference was scheduled for June 9, 2009, at 1:00 p.m. at the Respondent's office in Chicago, Illinois.
3. On June 9, 2009, the fact finding conference was held. The Petitioner failed to attend the fact finding conference. The Petitioner did not provide the Respondent with an explanation for his absence.
4. On June 10, 2009, the Respondent mailed a letter to the Petitioner requesting that the Petitioner provide a documented explanation for his failure to attend the fact finding conference. The letter further advised the Petitioner that if he failed to contact the Respondent within 30 days of receipt of the letter, his charge could be dismissed for failure to proceed.
5. The June 10, 2009, letter from the Respondent was not returned as undeliverable. As of July 31, 2009, the Petitioner had not contacted the Respondent.

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

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6. On August 14, 2009, the Respondent issued the Petitioner a Notice of Dismissal for Failure to Proceed pursuant to Section 7A-102(C) (4) of the Act and Section 2520.560 of the Respondent's Rules and Regulations.
7. In his Request, the Petitioner merely states his belief that the Respondent's investigator was in favor of Pace.

CONCLUSION

The Commission's review of the Respondent's investigation file leads it to conclude the Respondent properly dismissed the Petitioner's charge for Failure to Proceed. The Respondent may dismiss a charge for failure to attend a fact finding conference, pursuant to 56 Ill. Admin. Code, Ch II, §2520.430(c).

In his Request, the Petitioner does not provide any explanation for his failure to attend the fact finding conference. The Petitioner's belief that the Respondent was biased in favor of Pace does not constitute good cause.

Accordingly, it is the Commission's decision that the Petitioner has not presented any evidence to show that the Respondent's dismissal of his charge was not in accordance with the Act. The Petitioner's Request is not persuasive.

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 Appellate Court by filing a petition for review, naming the Illinois Human Rights Commission, the Illinois Department of Human Rights, and Pace Suburban Bus Company, 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 10th day of March 2010.

Commissioner David Chang

Commissioner Marylee Freeman

Commissioner Yonnie Stroger