

**EQUAL OPPORTUNITIES COMMISSION
CITY OF MADISON
210 MARTIN LUTHER KING, JR. BOULEVARD
MADISON, WISCONSIN**

<p>Glenn Ruiz 902 Northport Drive Madison, WI 53704</p> <p style="text-align:center">Complainant</p> <p style="text-align:center">vs.</p> <p>Attic Correctional Services, Inc. 2326 S. Park St., Ste. #1 Madison, WI 53713</p> <p style="text-align:center">Respondent</p>	<p>COMMISSION'S DECISION AND ORDER ON COMPLAINANT'S APPEAL OF ADMINISTRATIVE DISMISSAL</p> <p>Case No. 22104</p>
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INTRODUCTION

On June 6, 1994, the Complainant, Glenn Ruiz, filed a complaint of discrimination with the Madison Equal Opportunities Commission (Commission). The complaint charged that the Respondent, Attic Correctional Services, Inc., discriminated against him on the basis of his race in his employment. The Respondent denied the allegations of discrimination.

Pursuant to Commission practice the parties were given the opportunity to conciliate their differences. An agreement was reached between the parties. This agreement was embodied in a conciliation agreement that was sent to the Complainant on August 19, 1994. The Complainant failed to respond to this letter. The conciliation agreement was again sent on October 11, 1994, this time by certified mail. The Complainant failed to pick up the conciliation agreement. The conciliation agreement was returned to the Commission marked "unclaimed" on October 27, 1994. Further attempts to reach the Complainant proved unsuccessful. Pursuant to Commission Rules 6.324 and 6.31, the complaint was administratively dismissed on October 31, 1994 because of the Complainant's failure to accept the certified mail and to stay in touch with the Commission. The administrative dismissal provided that the Complainant could appeal the dismissal within twenty days of the dismissal.

On November 21, 1994, the Complainant filed an appeal of the administrative dismissal. A Notice of Appeal and briefing schedule was issued by the Commission on November 28, 1994. The Commission met on May 25, 1995 to hear the Complainant's appeal. Participating in the Commission's deliberations were Commissioners Bruskevitz, Gardner, Greenberg, Miller, Vedder, Verridan and Washington.

DECISION

In an appeal of an administrative dismissal, the complainant must demonstrate that there was good cause for his failing to do something required of him. Ordinarily good cause exists where circumstances beyond the control of an individual reasonably prevent someone from meeting some requirement. The Complainant fails to meet this burden.

Essentially the Complainant states that because of the loss of his job and starting a new one, his life became too complicated and emotionally charged for him to deal with the complaint of discrimination that he had filed. He does not describe in what specific ways reviewing and signing the conciliation agreement and signing for the certified mail would have caused him unreasonable difficulties instead of easing the problems by removing one of the sources of anxiety. The lack of detail and the unreasonable nature of the Complainant's excuse fall short of what is required to demonstrate good cause for the Complainant's failure to comply with the requirements of the Commission. When one files a complaint with the Commission, the Commission places two basic requirements on the complainant. First is the requirement to maintain contact with the Commission. This includes notifying the Commission of changes in address and in accepting correspondence from the Commission. The second requirement is to respond to requests for information and to follow through when the Commission asks one to do something. These do not represent significant burdens on the complainant. The Commission recognizes that from time to time, it may not be possible for a complainant to comply with these relatively modest requirements and accordingly provide for appeals of administrative dismissals. The Complainant in this case has not been able to meet his obligations and has failed to demonstrate that there was a good and legitimate reason for his failure.

ORDER

The Complainant's appeal is denied. The complaint is hereby dismissed.

Joining in this decision are Commissioners Bruskewitz, Gardner, Greenberg, Vedder, Verridan and Washington.

Signed and dated this 5 day of June, 1995.

EQUAL OPPORTUNITIES COMMISSION

Booker Gardner
President