

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

Priscilla Whitt 2317 Allied Dr Apt 21 Madison WI 53711 <p style="text-align: center;">Complainant</p> <p style="text-align: center;">vs.</p> Madison Taxi 1403 Gilson St Madison WI 53715 <p style="text-align: center;">Respondent</p>	<p>COMMISSION'S DECISION AND FINAL ORDER</p> <p>Case No. 03397</p>
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BACKGROUND

On October 29, 1997, the Complainant, Priscilla Whit, filed a complaint of discrimination with the Madison Equal Opportunities Commission (Commission). The complaint charged that the Respondent, Madison Taxi a/k/a Affiliated Carriage Systems of Wisconsin, Inc., refused to serve her in a public place of accommodation or amusement on the basis of her race in violation of Sec. 3.23(5) Mad. Gen. Ord. The Respondent denied the allegations of the complaint.

During investigation of the complaint, the Commission's Investigator/Conciliator assigned to this matter asked the Complainant for additional information supporting her allegations. On December 18, 1997, the Investigator wrote to the Complainant giving her the opportunity to submit any additional information that the Complainant would like the Investigator/Conciliator to consider. The Investigator/Conciliator also indicated that if the Complainant failed to submit any additional information, the Investigator/Conciliator would write the Initial Determination based upon the material then contained in the file. The Complainant did not submit any additional information.

On January 22, 1998, the Investigator/Conciliator again wrote the Complainant to give her an opportunity to submit additional information in support of her claim. This time the Investigator/Conciliator indicated that failure on the part of the Complainant to respond would result in dismissal of the Complaint. The Complainant did not submit any additional information or respond in any manner to the Investigator/Conciliator's letters.

On February 6, 1998, the complaint was administratively dismissed. The dismissal indicated that the dismissal was subject to review of the Commission if a written appeal were timely submitted. The Complainant timely appealed the dismissal of her complaint.

The Complainant's written appeal indicates nothing more than that she was unhappy with the dismissal of the complaint and that she wished to appeal.

The Commission issued a Notice of Appeal and Briefing Schedule on February 18, 1998. This document set a schedule for the submission of written argument by the parties in support of their

respective positions. Despite the fact that both parties received the Notice, neither submitted any material pursuant to the Commission's briefing schedule.

On June 11, 1998, the Commission met to address the Complainant's appeal. Taking part in the Commission's deliberations were Commissioners: Altwegg, Fieber, Hands, Rahman, Tomlinson, Washington, Zarate and Zipperer.

DECISION

In order to reopen a complaint that has been administratively dismissed, the Complainant must demonstrate good cause for the failure that resulted in the dismissal. In this case, the Complainant must come forward with some reasonable explanation for her failure to respond to either of the Investigator/Conciliator's January, 1998 letters. That explanation must present some explanation demonstrating that the Complainant's failure occurred for an excusable reason such as illness or failure to actually receive the Investigator/Conciliator's letter. Williams v. Footlocker, MEOC Case No. 3375 and Williams v. Millans Treasure Chest, MEOC Case No. 3374, (Comm'n Dec. 8/29/97)

In the present case the Complainant failed to present any explanation much less a reasonable explanation for her failure to respond to the Investigator/Conciliator's request for information. While it is arguable that there was some confusion between the Investigator/Conciliator's December, 1997 and January, 1998 letters, the Complainant's failure to do anything remains unexplained. The Complainant may not stand silent in seeking the Commission's order to reopen an administratively dismissed complaint. The Complainant did not even give an indication of the reason for her actions in her letter appealing the dismissal. Once given the additional opportunity to explain her conduct pursuant to a briefing schedule, the Complainant once again failed or refused to provide any explanation whatsoever.

Given the Complainant's refusal to follow the reasonable procedures established by the Commission for the processing of her complaint and her appeal of its administrative dismissal, the Commission has no course but to affirm the Executive Director's dismissal. The Commission is at a loss to explain why the Complainant, having filed a complaint, would refuse to cooperate in the processing of that complaint. More baffling to the Commission is why after appealing the dismissal of that complaint, the Complainant would fail or refuse to participate in that appeal in any manner at all. The Commission may not and will not speculate as to the Complainant's reasons, if any.

ORDER

The complaint is not reopened. The Complainant's appeal is hereby dismissed.

Joining in the Commission's decision are Commissioners Altwegg, Fieber, Hands, Rahman, Tomlinson, Washington, Zarate and Zipperer.

Signed and dated this 3rd day of July, 1998.

For the Commission,

Vicki Washington
President