

NONPRECEDENTIAL DISPOSITION

To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals

For the Seventh Circuit

Chicago, Illinois 60604

Submitted November 4, 2025*

Decided November 5, 2025

Before

MICHAEL Y. SCUDDER, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

CANDACE JACKSON-AKIWUMI, *Circuit Judge*

No. 24-2602

CHRISTINE M. ARNOLD,
Plaintiff-Appellant,

Appeal from the United States District
Court for the Southern District of
Illinois.

v.

No. 3:23-cv-00007-DWD

AMEREN ILLINOIS COMPANY,
Defendant-Appellee.

David W. Dugan,
Judge.

ORDER

Christine Arnold appeals the district court's grant of summary judgment rejecting her employment-discrimination claims as time barred. We affirm.

* We have agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

We construe the evidence presented at summary judgment in the light most favorable to Arnold, drawing all reasonable inferences in her favor. *Paterakos v. City of Chicago*, 147 F.4th 787, 795 (7th Cir. 2025). In 2018, Arnold filed a charge with the Illinois Department of Human Rights and the Equal Employment Opportunity Commission alleging that her employer, Ameren Illinois Company, discriminated against her. A year later, the IDHR dismissed the charge for lack of substantial evidence. The IDHR's notice of dismissal advised Arnold that she could challenge the decision by sending a written request to the EEOC within 15 days, and she did so.

Arnold moved into a new home in Belleville, Illinois, in January 2022 and updated her address with the United States Postal Service. She left several unanswered messages with the EEOC about the status of her request that, by then, had been pending for over two years. When the EEOC did not respond, Arnold assumed that her case had been closed. She did not notify the EEOC of her new address.

On September 26, 2022, the EEOC issued and mailed a right-to-sue letter to Arnold's former address. But not until October 20, 2022, did she receive the letter, which had been forwarded to her based on her change-of-address instructions to the U.S. Postal Service. The letter stated that if she wanted to file a lawsuit, she needed to do so within 90 days of receipt, which "generally occurs on the date that you (or your representative) view this document." The letter also advised that she keep a record of the date she received it.

After receiving the letter, Arnold took steps to file her suit. She tried to retain counsel but was unsuccessful. She twice called the EEOC about the filing deadline but did not receive any response. On December 13, 2022, she emailed the named EEOC representative and explained that she (1) no longer lived at the address where the notice was sent, (2) did not receive the letter until October 20, 2022, and (3) needed help figuring out the filing deadline. She also asked for a 30-day extension and a referral to an attorney. Two weeks later, Arnold still had not received any response, so she went to the EEOC's office in St. Louis, Missouri, and explained that the letter was sent to the wrong address. A receptionist told Arnold she should calculate the filing deadline from the date she received the letter.

On January 3, 2023, Arnold filed this suit under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2. This filing date was 99 days after the right-to-sue letter was issued. Ameren raised the statute of limitations as an affirmative defense and moved for summary judgment. Ameren also argued that the filing deadline should not be tolled because Arnold did not diligently pursue her claims.

The district court granted summary judgment for Ameren. The court explained that Arnold's failure to update her address with the EEOC triggered constructive receipt of the letter. Presuming receipt five days after issuance, the court determined that Arnold had 90 days from October 1, 2022—in other words, until December 30, 2022—to file her suit. *See* 42 U.S.C. § 2000e-5(f)(1). Because she did not file her suit until January 3, 2023, it was untimely. The court added that Arnold was not entitled to equitable tolling of the 90-day filing window because she had not shown diligence in pursuing her rights or extraordinary circumstances.

On appeal, Arnold first insists that her complaint is timely because she filed it within 90 days of when she received the right-to-sue letter. But we agree with the district court that the correct determinant here is constructive rather than actual receipt. A plaintiff who does not update her address with the EEOC is subject to the constructive receipt doctrine, which starts the 90-day clock when delivery is attempted at the plaintiff's last known address. *See Reschny v. Elk Grove Plating Co.*, 414 F.3d 821, 823 (7th Cir. 2005) (citing 29 C.F.R. § 1601.7(b), which requires plaintiff to notify EEOC of "any change in contact information" while charge pending). Arnold admitted that she did not update her address with the EEOC, so we see no error in the court's application of the doctrine.

This matter does involve one wrinkle. In a case like this, where the record contains no evidence of attempted delivery at Arnold's former address, there may be a dispute about when the plaintiff received the right-to-sue letter in the mail. The district court here presumed that Arnold constructively received the letter five days after the EEOC sent it. Though we have not yet addressed the issue, at least six other circuits apply a three-day presumption. *See, e.g., Hayes v. New Jersey Dep't of Hum. Servs.*, 108 F.4th 219, 222 (3d Cir. 2024); *Hales v. Casey's Mktg. Co.*, 886 F.3d 730, 736 (8th Cir. 2018); *Jenkins v. City of San Antonio Fire Dep't*, 784 F.3d 263, 266–67 (5th Cir. 2015); *Payan v. Aramark Mgmt. Servs. Ltd. P'ship*, 495 F.3d 1119, 1125 (9th Cir. 2007); *Kerr v. McDonald's Corp.*, 427 F.3d 947, 953 (11th Cir. 2005); *Sherlock v. Montefiore Med. Ctr.*, 84 F.3d 522, 525–26 (2d Cir. 1996); *see also Baldwin Cnty. Welcome Ctr. v. Brown*, 466 U.S. 147, 148 n.1 (1984) (presuming receipt of EEOC right-to-sue letter three days after mailing). But we need not decide whether a three- or five-day presumption applies here because, under either approach, Arnold's complaint was untimely. Under a three-day presumption, Arnold constructively received her right-to-sue letter on September 29, 2022, in which case the 90-day filing period ended on December 28, 2022. *See* FED. R. CIV. P. 6(a)(1). Under a five-day presumption, Arnold constructively received the letter on October 1, 2022, in which case the 90-day filing period ended on December 30, 2022. *See id.*

Arnold next maintains that, even if her complaint were untimely, the court abused its discretion in declining to equitably toll the filing period because she pursued her claims diligently. To be sure, based on her understanding of the filing deadline, Arnold believed that she filed her complaint with time to spare. But we agree with the district court that her circumstances do not warrant equitable tolling. She did not make a good faith error by, for instance, filing suit in the wrong court, *see, e.g., Threadgill v. Moore*, 269 F.3d 848, 850 (7th Cir. 2001) (quoting *Jones v. Madison Service Corp.*, 744 F.2d 1309, 1314 (7th Cir. 1984)), and her failure to tell the EEOC that she had moved was not an extraordinary event beyond her control, *see, e.g., St. Louis v. Alverno Coll.*, 744 F.2d 1314, 1316–17 (7th Cir. 1984) (no tolling for plaintiff who waited six years to update address with EEOC and did not forward his mail); *Reschny*, 414 F.3d at 823 (no tolling for plaintiff whose attorneys filed for bankruptcy and did not update plaintiff’s address with EEOC).

AFFIRMED