STATE OF ILLINOIS

HUMAN RIGHTS COMMISSION

IN THE MATTER OF:	)	
	)	
CELINA CHALAS,	)	
	)	
Complainant,	)	
	)	CHARGE No. 2004CF0892
	)	EEOC No. 21BA40029
	)	ALS No. 05-0175
AND	)	
	)	
FEDERAL EXPRESS CORPORATION,	)	
	)	
Respondents.	)	
	)	

ORDER

This matter comes before the Commission pursuant to a Recommended Order and Decision, the Complainant's Exceptions filed thereto, and the Respondent's Response to the Complainant's Exceptions.

The Illinois Department of Human Rights is an additional statutory party that has conducted state action in this matter. They are named herein as an additional party of record. The Illinois Department of Human Rights did not participate in the Commission's consideration of this matter.

Pursuant to 775 ILCS 5/8A-103(E)(1)&(3), the Commission has DECLINED further review in the above-captioned matter. The parties are hereby notified that the Administrative Law Judge's Recommended Order and Decision, entered on March 3, 2009 in the above-captioned matter, has become the Order of the Commission.

STATE OF ILLINOIS	)	
	)	**Entered this 8th day of July 2009**
HUMAN RIGHTS COMMISSION	)	

Commissioner David Chang

Commissioner Marylee V. Freeman

Commissioner Yonnie Stroger

STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

IN THE MATTER OF:	)	
	)	
CELINA CHALAS,	)	
	)	
Complainant,	)	
	)	**Charge No.: 2004CF0892**
and	)	**EEOC No.: 21BA40029**
	)	**ALS No.: 05-175**
FEDERAL EXPRESS CORPORATION,	)	
	)	
Respondent.	)	

RECOMMENDED ORDER AND DECISION

On April 29, 2005, Complainant, Celina Chalas, filed a complaint on her own behalf against Respondent, Federal Express Corporation. That complaint alleged that Respondent sexually harassed Complainant. The complaint further alleged that Respondent unlawfully retaliated against Complainant after she complained of sexual harassment.

On August 11, 2008, pursuant to Respondent's Motion for Summary Decision, an order was entered which recommended dismissal of Complainant's sexual harassment claim. The motion was denied on Complainant's claim of retaliation.

This matter now comes on to be heard on Respondent's Motion to Dismiss with Prejudice. Complainant has not filed a written response to the motion and the time for filing such a response has passed. In addition, neither Complainant nor her attorney appeared at the hearing on the motion.

The Illinois Department of Human Rights is an additional statutory agency that has issued state actions in this matter. They are therefore named herein as an additional party of record.

FINDINGS OF FACT

The following facts were derived from the record file in this matter.

1. On December 2, 2008, an order was entered which set a schedule for the filing of a prehearing memorandum in this matter.

2. According to the December 2 order, Complainant was to present her draft of the prehearing memorandum to Respondent's counsel on or before January 16, 2009. That order also set a final status date of March 3, 2009.

3. Complainant did not present her draft of the prehearing memorandum to Respondent's counsel on time. To date, Complainant has never presented such a draft to Respondent's attorney.

4. Neither Complainant nor her counsel appeared on the previously scheduled status date of March 3, 2009. No motion has been filed to explain that failure to appear.

5. On February 13, 2009, Respondent filed its Motion to Dismiss with Prejudice. That motion was set for hearing on the previously scheduled status date of March 3, 2009.

6. Complainant did not file a written response to the motion to dismiss.

CONCLUSIONS OF LAW

1. Complainant's failure to prepare a draft of a prehearing memorandum and failure to respond to the motion to dismiss have unreasonably delayed the proceedings in this matter.

2. The order of August 11, 2008 is hereby incorporated into this Recommended Order and Decision by reference.

3. In light of Complainant's apparent abandonment of her claim, the complaint in this matter should be dismissed in its entirety, with prejudice.

DISCUSSION

On December 2, 2008, an order was entered that set a schedule for the filing of a prehearing memorandum in this matter. That order set a deadline by which Complainant was to present a draft of that memorandum to Respondent's counsel. The order also set a new status date of March 3, 2009. It is abundantly clear that Complainant's counsel was aware of

the schedule because he drafted the December 2, 2008 order Nonetheless, Complainant failed to present her draft memorandum to Respondent. Moreover, neither Complainant nor her attorney appeared at the March 3, 2009 status hearing.

Appearance at the March 3 hearing was particularly important. On February 13, 2009, Respondent filed a motion to dismiss because of Complainant's failure to prepare a prehearing memorandum. That motion was set for hearing on the previously scheduled March 3 date.

Despite actual knowledge of the March 3 status date and proper service of the motion to dismiss, nobody appeared on Complainant's behalf on March 3. In addition, no motion has been filed to continue the date or to explain the failure to appear at the scheduled time.

Without offering any explanation, Complainant has stopped prosecuting her case It appears that she has abandoned her claim. As a result, it is appropriate to dismiss this matter with prejudice. *See, e g., Leonard and Solid Matter, Inc.*, IHRC, 4942, August 25, 1992.

RECOMMENDATION

Based upon the foregoing, it appears that Complainant has abandoned her claim Accordingly, it is recommended that the complaint in this matter be dismissed in its entirety, with prejudice.

HUMAN RIGHTS COMMISSION

BY:
MICHAEL J. EVANS
CHIEF ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION

ENTERED: March 3, 2009