

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF:)	
)	
DENIZ C. AKSOY,)	
)	
Complainant,)	
)	
and)	Charge No.: 2006CF1345
)	EEOC No.: 21BA60490
)	ALS No.: 06-351
MEIJER STORES, L.P.)	
)	
Respondent.)	Judge Lester G. Bovia, Jr.

RECOMMENDED ORDER AND DECISION

This matter is before the Commission on Respondent's Motion to Dismiss for Want of Prosecution ("Motion"). Complainant was given an opportunity to respond to the Motion, but failed to do so timely.

The Illinois Department of Human Rights ("Department") is an additional statutory agency that has issued state actions in this matter. Therefore, the Department is an additional party of record. Moreover, the Department was properly served with the Motion and given an opportunity to be heard. Accordingly, this matter is now ready for disposition.

FINDINGS OF FACT

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

1. Complainant filed a charge with the Department on December 6, 2005 alleging discrimination based on national origin and gender.
2. The Department filed a complaint with the Commission on Complainant's behalf on October 10, 2006.
3. The initial status conference was scheduled for December 6, 2006. Complainant did not appear, either personally or through counsel. The next status hearing was scheduled for February 7, 2007.

4. Neither Complainant nor an attorney on her behalf appeared at the February 7, 2007 status hearing. Accordingly, at the February 7 status hearing, Administrative Law Judge Lindt granted Respondent leave to file this Motion.

5. Respondent's Motion was due on February 28, 2007. Complainant's response was due on March 15, 2007. Respondent timely filed the Motion and duly served Complainant. Complainant did not file a timely response.

CONCLUSIONS OF LAW

1. Complainant's failure to prosecute her case has unreasonably delayed the proceedings in this matter.

2. As a result of Complainant's failure to prosecute her case, the Motion should be granted, and the complaint and underlying charge should be dismissed in their entirety with prejudice.

DISCUSSION

Complainant has failed to appear, either personally or through counsel, at two consecutive status hearings: December 6, 2006 and February 7, 2007. On August 9, 2007, almost five months after her response to Respondent's Motion was due, Complainant filed a document with the Commission explaining that she had been in Istanbul, Turkey from May 25, 2006 until May 23, 2007, and that she did not know that it was necessary to be in the United States while her case was pending. She also requested to know the status of her case. However, Complainant did not explain: 1) why she did not retain counsel to prosecute her case in her stead while she was in Turkey; 2) why she did not contact Respondent's counsel and/or the Commission by telephone while she was in Turkey; or 3) why she waited almost three months after she returned from Turkey to inquire about her case and explain her whereabouts.

The Commission routinely dismisses cases where the complainant has failed to appear at dates scheduled for hearing or status. See, e.g., Stewart and SBC Midwest, IHRC, ALS No. 04-227, March 22, 2006 and Jackson and Chicago Firefighters Union Local No. 2, IHRC, ALS No. 8193, September 29, 1997. The Commission's rationale is that a complainant's failure to

appear at scheduled events unreasonably delays proceedings before the Commission. Diaz and Sun Steel, IHRC, ALS No. 07-688, March 17, 2009.

Complainant's actions have unreasonably delayed the proceedings in this matter and amount to a failure to prosecute her case. Therefore, this case should be dismissed.

RECOMMENDATION

Based on the foregoing, it is recommended that Respondent's Motion to Dismiss for Want of Prosecution be granted, and the complaint and underlying charge be dismissed in their entirety with prejudice.

HUMAN RIGHTS COMMISSION

BY: _____

**LESTER G. BOVIA, JR.
ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION**

ENTERED: November 3, 2009