

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF:	)	
	)	
KATY JONES,	)	
	)	
	)	
Complainant,	)	CHARGE NO(S): 2005CN3344
	)	EEOC NO(S): N/A
and	)	ALS NO(S): 06-369
	)	
THOMAS MIMBS,	)	
	)	
	)	
Respondent.	)	

**NOTICE**

You are hereby notified that the Illinois Human Rights Commission has not received timely exceptions to the Recommended Order and Decision in the above named case. Accordingly, pursuant to Section 8A-103(A) and/or 8B-103(A) of the Illinois Human Rights Act and Section 5300.910 of the Commission's Procedural Rules, that Recommended Order and Decision has now become the Order and Decision of the Commission.

STATE OF ILLINOIS	)	
HUMAN RIGHTS COMMISSION	)	Entered this 17 <sup>th</sup> day of March 2009

---

N. KEITH CHAMBERS  
EXECUTIVE DIRECTOR

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

<b>IN THE MATTER OF:</b>	)	
	)	
<b>KATY JONES,</b>	)	
	)	
<b>Complainant,</b>	)	
	)	
<b>and</b>	)	<b>Charge No.: 2005CF3344</b>
	)	<b>EEOC No.: N/A</b>
<b>THOMAS MIMBS,</b>	)	<b>ALS No.: 06-369</b>
	)	
<b>Respondent.</b>	)	

**RECOMMENDED ORDER AND DECISION**

On October 25, 2006, the Illinois Department of Human Rights (Department) filed a complaint on behalf of Complainant, Katy Jones. That complaint alleged that the Respondent, Thomas Mimbs, sexually harassed Complainant.

This matter comes on to be heard on my own motion, *sua sponte*, to dismiss the complaint in this matter for want of prosecution. On January 9, 2008, Complainant's counsel was granted leave to withdraw and Complainant was given 21 days within which to obtain counsel or file an appearance on her own behalf. Complainant failed to do so. On July 28, 2008, the parties were directed to appear before me on September 10, 2008. Neither party appeared. It should be noted that the Commission's communications to Respondent have been returned as "Forward Time Exp - Return to Sender." Despite being warned of the possibility of dismissal, Complainant has failed to appear on two separate occasions for status and failed to file an appearance on her behalf when directed to do so. Complainant has filed nothing to explain her absence. Complainant's actions, therefore, have unreasonably delayed the proceedings in the matter.

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

#### FINDINGS OF FACT

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

1. On October 25, 2006, The Illinois Department of Human Rights (Department) filed a *Complaint of Civil Rights Violation* on behalf of Complainant, alleging sexual harassment resulting in a hostile work environment culminating in constructive discharge.

2. Complainant was represented by counsel until January 9, 2008 when her counsel was granted leave to withdraw. Complainant was given 21 days within which to obtain counsel or file an appearance on her own behalf.

3. Complainant did not appear for a scheduled September 10, 2008 status hearing and did not file anything to explain her absence.

4. Complainant did not file an appearance on her own behalf in accordance with the January 9, 2008 order.

#### CONCLUSIONS OF LAW

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

2. As a result of Complainant's failure to prosecute her case, this matter should be dismissed.

#### DISCUSSION

On January 9, 2008, I granted Complainant's counsel leave to withdraw.

Since her attorney withdrew, Complainant has taken no action to prosecute this

case. The July 28, 2008 order set a status date of September 10, 2008 and warned Complainant that she had to appear or her case may be dismissed. Despite the warning, Complainant did not appear on September 10, 2008.

Without offering any explanation, Complainant has stopped prosecuting her case. Her failure to move forward has unreasonably delayed the proceeding in this matter. It appears that Complainant has simply abandoned her claim.

The Commission routinely dismisses abandoned claims. See *e.g. Leonard and Solid Matter, Inc.*, IHRC, 4942, August 25, 1992. Additionally, the Commission has dismissed cases where Complainant has failed to appear before the Commission on dates scheduled for hearing or status. See, *e.g. Stewart SBC Midwest*, IHRC, 04-227, March 22, 2006, and *Jackson and Chicago Firefighters Union Local No. 2*, IHRC, 8193, September 29, 1997. In light of those precedents, this case should be dismissed.

#### RECOMMENDATION

Based upon the foregoing, it is recommended that the complaint in this matter be dismissed in its entirety, with prejudice.

HUMAN RIGHTS COMMISSION

BY: \_\_\_\_\_

GERTRUDE L. MCCARTHY  
ADMINISTRATIVE LAW JUDGE  
ADMINISTRATIVE LAW SECTION

ENTERED: October 2, 2008