

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF:)	
)	
STEVEN SCHAEFER,)	
)	
)	
Complainant,)	CHARGE NO(S): 2006CA2689
)	EEOC NO(S): N/A
and)	ALS NO(S): 07-199
)	
VILLAGE OF MUNDELEIN,)	
)	
)	
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 th day of March 2009

N. KEITH CHAMBERS
EXECUTIVE DIRECTOR

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF:)	
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STEVEN SCHAEFER,)	
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Complainant,)	Charge No. 2006CA2689
)	EEOC No. N/A
and)	ALS No. 07-199
)	
VILLAGE OF MUNDELEIN,)	
)	
)	Judge Reva S. Bauch
)	
Respondent.)	

RECOMMENDED ORDER AND DECISION

This matter is brought pursuant to Respondent's Motion to Dismiss for Want of Prosecution ("Motion"). By letter dated September 12, 2008, Complainant filed a Response. Complainant opted not to file a Reply. Accordingly, this matter is now ready for disposition.

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.

FINDINGS OF FACT

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

1. The Complaint was filed on March 19, 2007, alleging Respondent discriminated against Complainant based on ancestry/national origin, religion and age.
2. On October 29, 2007, Respondent served Complainant with Interrogatories and a Notice to Produce.
3. On December 3, 2007, Complainant requested, and Respondent agreed to, a two-week extension for Complainant to provide his discovery responses.

4. On January 16, 2008, the Commission extended discovery and ordered the parties to tender discovery within 45 days.
5. On March 3, 2008, Respondent tendered its discovery answers to Complainant.
6. Complainant failed to produce his responses to discovery.
7. On March 10, 2008, Respondent sent a letter requesting Complainant's overdue discovery.
8. On March 20, 2008, I granted Complainant's Motion to Extend the Time for Discovery Responses, extending the response date to May 1, 2008.
9. On June 10, 2008, Complainant's attorney filed a Motion to Withdraw as Counsel and noticed it up for July 3, 2008.
10. The Motion to Withdraw was sent to Complainant via certified mail, return receipt requested.
11. Complainant never signed for the Motion to Withdraw and it was returned to Sender as "unclaimed, unable to forward."
12. On July 3, 2008, Complainant's attorney's Motion to Withdraw was granted.
13. On July 3, 2008, Respondent filed a Motion to Compel which was entered and continued. The next status hearing was set for September 4, 2008.
14. On August 6, 2008, Respondent filed this Motion and noticed it up for September 4, 2008.
15. The Motion was served on Complainant via certified mail, return receipt requested.
16. Complainant signed the certified mail receipt for the Motion.
17. On September 4, 2008, Respondent appeared and Complainant failed to appear.
18. The September 4, 2008 Order set a briefing schedule for the Motion.
19. By letter dated September 12, 2008 (received at the Commission on September 15, 2008), Complainant responded to the Motion.

20. Complainant's letter indicated that pursuing the case was too much of a financial burden.

21. Complainant also requested that any financial relief sought by Respondent be denied.

CONCLUSIONS OF LAW

1. A complaint may be dismissed when a party unreasonably refuses to comply with Administrative Law Judge Orders or otherwise engages in conduct which unreasonably delays or protracts proceedings.

2. Complainant has failed to comply with several Administrative Law Judge Orders and has unreasonably delayed and protracted these proceedings. The appropriate sanction is dismissal of the Complaint, and the underlying charge, with prejudice.

DISCUSSION

Under Commission procedural rules, an Administrative Law Judge may recommend to the Commission that a complaint be dismissed where a party unreasonably refuses to comply with Orders or otherwise engages in conduct which unreasonably delays or protracts proceedings. See **56 Ill. Admin. Code §5300.750(e)**.

A fundamental principle governing practice before the Commission is that complainants must diligently pursue their cases once they are docketed with the Commission. Complainant has failed to comply with several Orders, has failed to respond to discovery requests and has unreasonably delayed and protracted these proceedings. In his response to the Motion, Complainant admits he can no longer prosecute the case because of financial burdens.

Respondent has appeared to defend its case. It is unfair to require Respondent to expend additional resources to defend a case that Complainant is unable or unwilling to prosecute. As such, it is appropriate to dismiss his Complaint, with prejudice.

**Aceves and Everlast Concrete, Inc. and Artech Concrete, Inc , IHRC, 12187, May
18, 2005.**

RECOMMENDATION

I recommend the Commission dismiss the Complaint, and the underlying charge,
with prejudice.

HUMAN RIGHTS COMMISSION

**BY: _____
REVA S. BAUCH
DEPUTY CHIEF ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION**

ENTERED: October 8, 2008