STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

IN THE MATTER OF:	)		
	)		
MESSIAH JEHOVAHJIREH,	)		
	)		
	)		
Complainant,	)	CHARGE NO(S):	2006CF2977
	)	EEOC NO(S):	N/A
and	)	ALS NO(S):	07-351
	)		
CVS CORPORATION,	)		
	)		
	)		
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 17th day of March 2009

N. KEITH CHAMBERS
EXECUTIVE DIRECTOR

STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

IN THE MATTER OF:	)	
	)	
MESSIAH JEHOVAHJIREH,	)	
	)	**Charge No. 2006CF2977**
Complainant,	)	**EEOC No. N/A**
	)	**ALS No. 07-351**
and	)	
	)	
CVS CORPORATION,	)	**Judge Reva S. Bauch**
	)	
Respondent.	)	

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. 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 and statements made at status hearings.

1. On July 18, 2007, Complainant, appearing *pro se*, and Respondent, appearing through its counsel, came before the Commission for an initial status hearing. By Order dated July 18, 2007, a discovery schedule was set.

2 On August 10, 2007, Complainant filed an Appearance, indicating she was *pro se* and her address was: Messiah Jehovahjireh, c/o Andrea Taylor, 12 Washington Blvd., #502, Oak Park, IL 60302.

3. On August 17, 2007, Respondent served Complainant with written Interrogatories and Requests for Production of Documents.

4. To date, Complainant has not served any written discovery upon Respondent.

5. By September 24, 2007, Respondent's counsel had not received Complainant's responses to its discovery and had not otherwise heard from Complainant.

6. Respondent's counsel telephoned Complainant, but Complainant did not answer the telephone and there was no opportunity for Respondent's counsel to leave a message.

7. On October 1, 2007, Kingsley Clarke telephoned Respondent's counsel and informed her that he had been retained by Complainant.

8. On October 3, 2007, Mr. Clarke filed his Appearance on behalf of Complainant.

9. On October 5, 2007, Respondent filed a Motion requesting an order requiring Complainant to answer Respondent's discovery request by October 31, 2007.

10. On October 10, 2007, Mr. Clarke filed a Motion to Extend Time To Answer Respondent's written discovery.

11. On October 17, 2007, there was a status hearing. Complainant appeared, along with Mr. Clarke and Respondent's counsel

12. At the October 17, 2007 status hearing, Complainant informed Chief Administrative Law Judge Michael Evans that: (a) Mr. Clarke was not her attorney and the he was not authorized to act on her behalf; (b) she had not received Respondent's written discovery; and (c) she was attempting to find an attorney.

13. On October 17, 2007, Chief ALJ Evans entered an Order granting Mr. Clarke's oral motion to withdraw as counsel and ordering the parties to appear on December 19, 2007, for another discovery status hearing

14. At the October 17, 2007 status hearing, Chief ALJ Evans asked Respondent to mail its written discovery requests to Complainant.

15. On October 18, 2007, Respondent's counsel mailed the written discovery to Complainant via overnight express mail.

16. On November 7, 2007, Respondent's counsel was notified by the postal service that delivery was unsuccessful to Complainant at the address stated in her August 10, 2007 Appearance (the most up-to-date Appearance on file at the Commission).

17. The postal service reported that delivery was attempted on three occasions (October 19, October 20 and November 6, 2007).

18. On November 13, 2007, Respondent's counsel again mailed the written discovery to Complainant via regular U.S. Mail.

19. On November 15, 2007, Complainant sent a letter to Respondent's counsel stating, *inter alia,* that she would not respond to written discovery mailed to her.

20. On December 19, 2007 Respondent's counsel appeared for a status hearing. Complainant failed to appear.

21. On December 19, 2007, an Order was entered that: (a) scheduled another discovery status hearing for February 7, 2008; (b) advised the parties that failure to appear at a status hearing and/or comply with Commission Orders may result in sanctions, including dismissal of this action; and (c) ordered Respondent's counsel to serve a copy of my December 19, 2007 Order on Complainant with proof of such service with the Commission.

22. Respondent's counsel thereafter mailed a copy of the December 19, 2007 Order to Complainant and filed a Certificate of Service with the Commission.

23. On February 7, 2008, Respondent's counsel appeared for another status hearing. Complainant failed to appear or supply the Commission with any explanation for her failure to appear.

24. On February 7, 2008, Respondent was granted leave to file the Motion.

25. Respondent's counsel thereafter mailed a copy of the February 7, 2008 Order to Complainant and filed a Certificate of Service with the Commission.

26. On February 21, 2008, Respondent filed the Motion.

27. On March 6, 2008, a status hearing took place to set a briefing schedule for the Motion. Respondent's counsel appeared. Complainant failed to appear.

28. The March 6, 2008 Order required Complainant to file a response to the Motion by April 4, 2008.

29. Respondent's counsel thereafter mailed a copy of the March 6, 2008 Order to Complainant and filed a Certificate of Service with the Commission.

30. To date, Complainant has failed to respond to Respondent's written discovery.

31. To date, Complainant has failed to provide an explanation for her failure to appear at the December 19, 2007, February 8, 2008 and March 6, 2008 status hearings.

32. To date, Complainant has failed to file a response to the Motion.

CONCLUSIONS OF LAW

1. A complaint may be dismissed when a party fails to appear at a scheduled hearing without requesting a continuance reasonably in advance or unreasonably refuses to comply with a Commission Order or otherwise engages in conduct which unreasonably delays or protracts proceedings.

2. Complainant has failed to: (a) comply with discovery rules; (b) appear at three status hearings; (c) comply with Commission Orders; and (d) file a response to this Motion. 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 fails to appear at a scheduled status hearing, unreasonably refuses to comply with a

Commission Order 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's discovery responses are overdue under the Commission's Procedural Rules. Complainant has failed to respond to Respondent's discovery in accordance with the Commission's Orders. Complainant has also failed to appear before the Commission for the last three status hearings. In addition, Complainant has failed to respond to this Motion.

It appears that Complainant has simply abandoned her claim in this case. As such, it is appropriate to dismiss her Complaint, with prejudice. ***Bulmer v. Teng & Associates, Inc.***, *IHRC, 05-419, May 15, 2006. See also* ***Williams v. SBC Ameritech,*** *IHRC, 05-455, Dec. 11, 2006.*

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: April 17, 2008