

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF:)		
)		
JULIA G. NAVARRO,)		
)		
)		
Complainant,)	CHARGE NO(S):	2006CF3020
)	EEOC NO(S):	N/A
and)	ALS NO(S):	07-438
)		
RJB PROPERTIES, INC.,)		
)		
)		
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

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HUMAN RIGHTS COMMISSION**

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JULIA G. NAVARRO,)	
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RJB PROPERTIES, INC.,)	
)	
Respondent.)	

RECOMMENDED ORDER AND DECISION

On June 18, 2007, Complainant, Julia G Navarro, filed a complaint on her own behalf against Respondent, RJB Properties, Inc. That complaint alleged that Respondent discriminated against Complainant on the bases of her national origin, her sex, and her age. The complaint further alleged that Respondent unlawfully retaliated against 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. (Respondent has filed its own Motion to Dismiss for Want of Prosecution, but that motion apparently was not served on Complainant and is not the basis for this recommended order.) Despite being warned of the possibility of dismissal, Complainant has failed to appear at two consecutive status hearings. She has filed nothing to explain her absence. Her actions have unreasonably delayed the proceedings in this 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. Complainant filed a complaint on her own behalf on June 18, 2007

2. At the time she filed her complaint, Complainant was represented by counsel

3. On May 1, 2008, Administrative Law Judge Mariette Lindt entered an order that gave Complainant's counsel leave to withdraw their appearances. The May 1 order set a new status date of June 4, 2008 and cautioned Complainant that she must appear on the new date or risk dismissal of this case.

4. Complainant did not appear at the June 4 status hearing and did not file anything to explain her absence. Judge Lindt then entered an order that set a new status date of July 2, 2008. The June 4 order specifically stated that if Complainant failed to appear at the July 2 status "the case will be dismissed."

5. The June 4 order was served upon Complainant by Respondent's attorney.

6. Complainant did not appear at the July 2 status hearing and did not file anything to explain her absence.

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 with prejudice.

DISCUSSION

On May 1, 2008, Administrative Law Judge Mariette Lindt allowed Complainant's counsel to withdraw their appearances. According to the motion to withdraw, the attorneys withdrew at Complainant's request.

Since her attorneys withdrew, Complainant has taken no action to prosecute this case. Judge Lindt's May 1 order set a status date of June 4 and warned that Complainant had to appear or "risk dismissal of her case." Despite that warning, Complainant did not appear on June 4

Judge Lindt's June 4 order was even more direct. It stated clearly that if Complainant did not appear at the July 2, 2008 status hearing, "the case will be dismissed." Complainant still failed to appear on July 2. Moreover, Complainant has filed nothing to explain her failure to appear.

Without offering any explanation, Complainant has stopped prosecuting her case. Her failure to move forward has unreasonably delayed the proceedings in this matter. It looks like Complainant has simply 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 with prejudice.

HUMAN RIGHTS COMMISSION

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

ENTERED: July 2, 2008