

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF:)		
)		
MARIANA SEGURA,)		
)		
)		
Complainant,)	CHARGE NO(S):	2007CA0008
)	EEOC NO(S):	N/A
and)	ALS NO(S):	07-562
)		
FORM PLASTICS COMPANY, 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

STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

IN THE MATTER OF:)	
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MARIANA SEGURA,)	
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Complainant,)	CHARGE NO. 2007CA0008
)	ALS NO. 07-562
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AND)	
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FORM PLASTICS)	
COMPANY, INC.,)	
)	
Respondent.)	

RECOMMENDED ORDER AND DECISION

This matter comes before me *sua sponte* after Complainant Mariana Segura failed to appear for two (2) consecutive status hearings without any explanation. This matter is now ready for decision.

FINDINGS OF FACT

1. On July 24, 2007, Complainant Segura filed a *Complaint of Civil Rights Violation* with the Commission.
2. On September 7, 2007, Respondent, Form Plastics Company, Inc., filed its *Verified Answer and Affirmative Defenses to Complainant's Complaint*.
3. On October 3, 2007 an initial status hearing in this matter took place. Complainant appeared *pro se* along with her sister-in-law who served as in interpreter for Complainant. Respondent appeared through counsel. On that date, the matter was continued to December 5, 2007 at 10:00 a.m. to give Complainant an opportunity to find legal representation.

4. On December 5, 2007 at 10:00 a.m., Respondent's attorney appeared and Complainant failed to appear without explanation. On that date, an order was entered continuing the matter to March 5, 2008 at 10:00 a.m.
5. On December 6, 2007, Respondent filed a *Certificate of Service* indicating that the December 5, 2007 order had been served upon Complainant at her home address *via* the United States Postal Service.
6. On March 5, 2008, Respondent appeared and Complainant again failed to appear without explanation.
7. On March 5, 2008, Respondent filed a *Certificate of Service* indicating that the March 5, 2008 order had been served upon Complainant at her home address *via* the United States Postal Service.

CONCLUSIONS OF LAW

1. Complainant's failure to appear for scheduled status hearings has unreasonably delayed the proceedings in this matter. Ill. Admin. Code 5300.750(e).
2. In light of Complainant's apparent abandonment of her claim, it is appropriate to dismiss this matter with prejudice.

DISCUSSION

Complainant has failed to appear for the last two (2) status hearings despite being given notice thereof. Complainant has not provided any explanation for her failure to appear and has simply made the choice to ignore my orders. It is clear that Complainant has abandoned her claim before the Commission. As a result, Complainant's *Complaint of Civil Rights Violation* should be dismissed with prejudice. See *Simpson v. S.K.V , Inc d/b/a Cozy Corner Restaurant, IHRC, 11147, January 11, 2001.*

RECOMMENDATION

Based on the foregoing, Complainant Segura's *Complaint of Civil Rights Violation* should be dismissed with prejudice.

ENTERED: June 18, 2008

HUMAN RIGHTS COMMISSION

MARIËTTE LINDT
ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION