

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF:)		
)		
MARIA CLEVELAND,)		
)		
)		
Complainant,)	CHARGE NO(S):	2006CF3276
)	EEOC NO(S):	N/A
and)	ALS NO(S):	07-770
)		
DOMINICK'S FINER FOODS,)		
)		
)		
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

Complainant failed to appear at either the October 15, 2008 or November 12, 2008 status date.

On November 17, 2008, I issued a further order which was directed to various addresses for Complaint, including the Kenosha address. All communication from that November 17, 2008 order directed to Complainant was returned as "Unable to Forward" except the one directed to the Kenosha address.

Complaint has a responsibility to prosecute her case and to notify all relevant parties, including the Commission, of changes of address and to maintain communication with the Commission regarding the pending matter.

Complainant did not respond to the pending motion nor notify the Commission of her wishes to extend the time within which to respond to said motion.

Complainant has done nothing to ensure that her complaint is heard.

Complainant's actions, therefore, have unreasonably delayed the proceedings in the matter.

The Illinois Department of Human Rights (Department) 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 7, 2007, the Department filed a *Complaint of Civil Rights Violation* alleging sexual harassment and retaliation in violation of the Act.
2. On August 13, 2008 and October 15, 2008, correspondence was sent by Respondent to Complainant at the Kenosha address notifying her of future status dates
3. Complainant failed to appear on status dates of October 15, 2008 and November 12, 2008

4 The communication sent by the Commission on November 17, 2008 to her Kenosha address was not returned as undeliverable.

CONCLUSIONS OF LAW

1. Complainant's failure to 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

Complainant has failed to appear for scheduled status dates or to respond to the pending motion.

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.

It is a fundamental principle governing practice before this Commission that it is the singular responsibility of complainants to diligently pursue the disposition of the cases once they are docketed with the Commission. See *Johnson and Valley Green Management Co.*, IHRC, 11469, July 25, 2002.

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 and 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: _

GÉRTRUDE L. MCCARTHY
ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION

ENTERED: December 18, 2008