STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

IN THE MATTER OF:	)		
	)		
MICHAEL ALLEN,	)		
	)		
	)		
Complainant,	)	CHARGE NO(S):	2007CN2206
	)	EEOC NO(S):	N/A
and	)	ALS NO(S):	07-878
	)		
WICKES FURNITURE 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 17th day of March 2009

N. KEITH CHAMBERS
EXECUTIVE DIRECTOR

STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

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Complainant,	) **Charge No: 2007CN2206**
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	)
WICKES FURNITURE COMPANY, INC.,	)
Respondent.	)

RECOMMENDED ORDER AND DECISION

This matter is before me on my own motion, *sua sponte*, to dismiss this case for the Parties' failure to comply with Commission orders to appear to advise me on this matter. The Illinois Department of Human Rights is an additional statutory agency that has issued state actions in this matter. It is, therefore, named herein as an additional party of record.

FINDINGS OF FACT

The following findings of fact were made from the record:

1. The Illinois Department of Human Rights (Department) filed a Complaint, on behalf of Complainant, with the Illinois Human Rights Commission (Commission) on November 20, 2007, alleging that Respondent discharged Complainant in violation of the Illinois Human Rights Act (Act), 775 ILCS 5/1-101 *et seq.*

2. Respondent filed a verified answer and affirmative defenses to the Complaint on January 9, 2008. On January 23, 2008, both parties appeared through counsel. The parties were ordered to propound discovery no later than March 28, 2008, and to appear for a discovery status on May 13, 2008.

3. On February 20, 2008, Respondent filed a *Suggestion of Bankruptcy and Notice of Operation of Automatic Stay*. On May 13, 2008, neither party appeared. An order was issued on May 14, 2008 advising the parties that the automatic stay provision of the Bankruptcy Code is not applicable to this proceeding pursuant to the Commission decision in *Kehoe and Parallex Corp.*, IHRC, 1757, July 2, 1987; however, the order

further advised that the parties may bring an appropriate motion to stay these proceedings pending the outcome of the bankruptcy matter. The order warned that the parties' continued failure to appear may result in dismissal or default of this matter. A status hearing was set for June 25, 2008.

4. On June 25, 2008, Complainant appeared through counsel; Respondent did not appear. The record showed that no motion to stay these proceedings had been filed. An order was entered ordering the parties to appear for a status hearing to advise this tribunal on January 7, 2009. On January 7, 2009, neither party appeared.

CONCLUSION OF LAW

The parties' conduct has resulted in unreasonable delay of this matter.

DETERMINATION

This case warrants dismissal due to the failure of the parties to appear for scheduled status hearings, which has unreasonably delayed these proceedings.

DISCUSSION

775 ILCS 5/8A-102(I)(6) of the Act authorizes a recommended order of dismissal, with prejudice, or of default as a sanction for a party's failure to prosecute his case, appear at a hearing, or otherwise comply with this Act, the rules of the Commission, or a previous Order of the Administrative Law Judge. Similarly, Section 5300.750(e) of the procedural rules of the Illinois Human Rights Commission authorizes a recommendation for dismissal with prejudice where a party fails to appear at a scheduled hearing without requesting a continuance reasonably in advance, or unreasonably refuses to comply with any Order entered, or otherwise engages in conduct which unreasonably delays or protracts the proceedings.

The Illinois Department of Human Rights (Department) filed a Complaint, on behalf of Complainant, with the Illinois Human Rights Commission (Commission) on November 20, 2007, alleging that Respondent discharged Complainant in violation of the Illinois Human Rights Act (Act), 775 ILCS 5/1-101 *et seq*. Respondent filed a verified answer and affirmative defenses to the Complaint on January 9, 2008. On January 23, 2008, both parties appeared through

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On June 25, 2008, Complainant appeared through counsel; Respondent did not appear. The record showed that no motion to stay had been filed. An order was enter ordering the parties to appear for a status hearing to advise this tribunal on January 7, 2009. On January 7, 2009, neither party appeared.

The parties' conduct in ignoring Commission orders to appear to advise this tribunal on the status of this case has resulted in unreasonable delay of this matter, justifying dismissal of this case.

RECOMMENDATION

I recommend that this Complaint and the underlying Charge be dismissed with prejudice.

HUMAN RIGHTS COMMISSION

BY: _____

SABRINA M. PATCH
Administrative Law Judge
Administrative Law Section

ENTERED: January 16, 2009