STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

IN THE MATTER OF:	)		
	)		
TINA BATTLE,	)		
	)		
	)		
Complainant,	)	CHARGE NO(S):	2007CF1906
	)	EEOC NO(S):	21BA70808
and	)	ALS NO(S):	08-0055
	)		
CHICAGO FOUNDATION FOR WOMEN,	)		
	)		
	)		
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:	)	
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TINA BATTLE,	)	
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Complainant,	)	
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and	)	**Charge No.: 2007CF1906**
	)	**EEOC No.: 21BA70808**
CHICAGO FOUNDATION FOR WOMEN,	)	**ALS No.: 08-0055**
	)	
Respondent.	)	**Judge Gertrude L. McCarthy**

RECOMMENDED ORDER AND DECISION

On February 7, 2008, Complainant filed a complaint on her own behalf. The complaint alleged discrimination based on race in violation of the Illinois Human Rights Act (Act).

On September 4, 2008, Respondent filed its *Motion to Dismiss* for Complainant's failure to prosecute.

Complainant did not appear for an July 11, 2008 status date. It should be noted that Respondent also failed to appear.

Complainant did not appear for an August 13, 2008 status date.

Complainant did not appear for a September 10, 2008 status date.

Neither party appeared for a October 10, 2008 status date.

Complainant did not respond to the pending motion.

Further, Complainant has failed to respond to discovery filed by Respondent on June 10, 2008.

Finally, certified mail sent to Complainant by the Commission was received by her as evidenced by the returned receipt.

None of the communications sent to Complainant by the Commission have been returned as undeliverable.

Complainant has filed nothing to explain her absence on scheduled status dates, her failure to respond to the pending motion or her failure to respond to outstanding discovery. 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 February 7, 2008, Complainant filed a complaint on her own behalf alleging discrimination based on race in violation of the Act.

2. Complainant did not appear on the following dates scheduled for status: July 11, 2008, August 13, 2008, September 10, 2008 and October 10, 2008.

3. Communication sent to Complainant by the Commission has not been returned as undeliverable.

4. Respondent properly filed a *Motion to Dismiss* on September 4, 2008.

5. Complainant has not responded to the pending motion.

6. Complainant has not responded to outstanding discovery.

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.

DISCUSSION

Complainant has failed to appear for scheduled status dates on numerous occasions.

Complainant has failed to respond to the pending motion.

Complainant has failed to respond to outstanding discovery.

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.

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:_
GERTRUDE L. MCCARTHY
ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION

ENTERED: November 18, 2008