





## FINDINGS OF FACT

The following facts were derived from the record filed in this case.

1. On June 5, 2008, in a response to a petition filed by the Illinois Department of Human Rights, a three-member panel of the Illinois Human Rights Commission ordered a hearing on damages in this matter on June 5, 2008.

2. The Commission mailed its June 5, 2008, order to Respondent at the only address listed in the record. That order was received via returned mail with a notation by the post office that Respondent moved and left no forwarding address.

3. On July 8, 2008, and again on December 11, 2008, Judge Michael Robinson ordered Complainant to provide the Commission with an effective address for Respondent or she should report whether she still intended to proceed with her case. Complainant failed to respond to both orders.

4. On November 4, 2009, the case was transferred to Administrative Law Judge William J. Borah, and a copy of that order was mailed to Complainant. It was returned by the United States Postal Service on December 3, 2009.

## CONCLUSIONS OF LAW

1. Complainant's failure to comply with the Commission's orders as well as her failure to keep the Commission informed of her current address has unreasonably delayed the proceedings in this matter.

2. The default order entered in this matter should be sustained.

3. Because Complainant's inactivity has unreasonably delayed the proceedings in this matter and she has not cooperated to prove entitlement to damages, she should be awarded no damages.

## DISCUSSION

Complainant has taken no action to prosecute this matter since the Department of Human Rights filed its petition for a damages hearing with the Commission. The Commission

attempted to serve Respondent with its June 5, 2008, order, but that order was returned as undeliverable. The Commission directed Complainant to submit an effective address for Respondent by means of its July 8, 2008, and December 11, 2008, orders. Complainant failed to respond to each order or report as to whether she still intended to proceed with her case. A copy of an order informing her that her case was transferred to a different administrative law judge was mailed to Complainant and returned by United States Postal Service on December 3, 2009. Complainant has not complied with two orders or provided a current address. It appears that complainant has abandoned her case, and her inactivity has unreasonably delayed the proceeding in this matter.

The Commission has dismissed cases for failure to provide a current address. See, e.g., Palmer and Dunkin Donuts, IHRC, 4097, July 5, 1990. However, in this case, a default order has already been issued. That default order should stand, but Complainant should be denied any damages.

#### RECOMMENDATION

Based upon the foregoing, it is recommended that an order be entered with the following provisions:

- A. That the default order in this matter be sustained;
- B. That no damages be awarded to Complainant.

HUMAN RIGHTS COMMISSION

BY: \_\_\_\_\_  
WILLIAM J. BORAH  
ADMINISTRATIVE LAW JUDGE  
ADMINISTRATIVE LAW SECTION

ENTERED: January 8, 2010