STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

IN THE MATTER OF:	)	
	)	
ALBERTO SALOMON-GARCIA,	)	
	)	
	)	
Complainant,	)	CHARGE NO(S): 2007CF2576
	)	EEOC NO(S): 21BA71282
and	)	ALS NO(S): 08-0291
	)	
MIDWEST AUTO AND TRUCK COLLISION, 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 7th day of January 2011

N. KEITH CHAMBERS
EXECUTIVE DIRECTOR

STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

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ALBERTO SALOMON-GARCIA,	)	
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Complainant,	)	
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and	)	**Charge No.: 2007CF2576**
	)	**EEOC No.: 21BA71282**
MIDWEST AUTO AND TRUCK COLLISION, INC.,	)	**ALS No.: 08-0291**
	)	
Respondent.	)	**Judge Gertrude L. McCarthy**

RECOMMENDED ORDER AND DECISION

This Order is issued *sua sponte*.

On June 30, 2008, the Illinois Department of Human Rights (Department) filed a *Complaint of Civil Rights Violation* on behalf of Complainant. The complaint alleged discrimination based on national origin in violation of the Illinois Human Rights Act (Act).

On numerous occasions, September 25, 2008, January 14, 2009, April 30, 2009, June 25, 2009, September 9, 2009, October 14, 2009 and January 13, 2010, Respondent failed to appear. A default order was entered against Respondent on January 13, 2010.

The 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 June 30, 2008, the Department filed a *Complaint of Civil Rights Violation* on behalf of Complainant alleging discrimination based on national origin in violation of the Act.

2. On September 25, 2008, neither party appeared before the Commission

pursuant to a *Notice of Public Hearing.*

3. On January 14, 2009, Complainant appeared *pro se* and Respondent failed to appear.

4. On March 26, 2009, Respondent asked that the matter be continued. The motion was granted without prejudice for April 30, 2009.

5. On April 30, 2009, Complainant appeared *pro se* and Respondent failed to appear.

6. On June 25, 2009, Complainant did not appear. Agnieszkad Mlynarczyk, a non-attorney, appeared on behalf of Respondent. Ms. Mlynarczyk was advised that Respondent must have legal representation to protect its rights.

7. On September 9, 2009, Complainant did not appear. Ms. Mlynarczyk once again appeared and was advised that an attorney must appear on behalf of Respondent and her appearance was not necessary.

8. On October 14, 2009, neither party appeared. Respondent was found in default for failure to appear and failure to respond.

9. On December 9, 2009 and again on January 13, 2010, Complainant did not appear.

10. Complainant failed to appear for scheduled status dates of September 25, 2008, June 25, 2009, September 9, 2009, October 14, 2009 and January 13, 2010.

CONCLUSIONS OF LAW

1. Complainant's failure to prosecute his case has unreasonably delayed the proceedings in this matter.

2. As a result of Complainant's failure to prosecute his case, this matter should be dismissed.

DISCUSSION

On June 30, 2008, the Department filed a *Complaint of Civil Rights Violation* alleging discrimination based on national origin in violation of the Act. Complainant appeared *pro se* for status date of April 30, 2009. However, he then failed to appear for scheduled status dates of September 25, 2008, June 25, 2009, September 9, 2009, October 14, 2009 and January 13, 2010.

Complainant has done nothing to ensure that his complaint is heard. His actions, therefore have unreasonably delayed the proceedings in this matter.

It is a fundamental principle governing practice before the Commission that it is the singular responsibility of complainants to diligently pursue the disposition of their 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:_____

GERTRUDE L. MCCARTHY
ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION

ENTERED: February 8, 2010