

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF: )

TAMARA LAFAYETTE, )

Complainant, )

and )

INTROSPECT YOUTH SERVICES, INC. and )  
CEDRIC HOWARD, )

Respondent. )

CHARGE NO(S): 2008CN1417  
2008CN1416

EEOC NO(S): N/A

ALS NO(S): 08-0486C

**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 9<sup>th</sup> day of April 2010

---

N. KEITH CHAMBERS  
EXECUTIVE DIRECTOR

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

<b>IN THE MATTER OF:</b>	)	
	)	
TAMARA LAFAYETTE,	)	
	)	
Complainant,	)	Charge Nos. 2008CN1417
	)	2008CN1416
	)	ALS No.          08-0486C
AND	)	
	)	
INTROSPECT YOUTH SERVICES, INC.	)	
and CEDRIC HOWARD,	)	Judge Reva S. Bauch
	)	
Respondent.	)	

**RECOMMENDED ORDER AND DECISION**

This matter is before the Commission on Respondent’s Motion to Dismiss (“Motion”). Complainant was given an opportunity to respond to the Motion, but failed to do so. Accordingly, this matter is now ready for disposition.

The Illinois Department of Human Rights (“Department”) is an additional statutory agency that has issued state actions in this matter. Therefore, the Department is an additional party of record.

**Findings of Fact**

- The following facts were derived from the record file in this matter.
1. Complainant, *pro se*, filed a Complaint on November 14, 2008, alleging sexual harassment by an employee of Respondent Introspect Youth Services, Inc., Cedric Howard.
  2. On November 20, 2008, Complainant, *pro se*, filed another Complaint alleging sexual harassment by Respondent Introspect Youth Services, Inc.
  3. An initial status hearing was set for February 5, 2009 as to both cases.
  4. On February 5, 2009, Respondents appeared by counsel; Complainant failed to appear.

5. On February 5, 2009, an Order was entered in each case warning Complainant that failure to appear for the March 18, 2009 status hearing may result in dismissal of her Complainant for want of prosecution.
6. On February 6, 2009, Respondent filed a proof of service with the Commission that it served the February 5, 2009 orders on Complainant via U.S. Mail on February 6, 2009.
7. The Order that was served on Complainant was returned to Respondent's counsel as "attempted but address not known" and "unable to forward."
8. On March 18, 2009, Respondent appeared by counsel and presented a Motion to Consolidate; Complainant failed to appear.
9. On March 16, 2009, the two cases were consolidated.
10. On March 18, 2009, an order was entered that warned Complainant that failure to appear may result in dismissal of her Complaints.
11. On March 19, 2009, Respondent filed a proof of service with the Commission that it served the March 16, 2009 consolidation order and the March 18, 2009 orders on Complainant via U.S. Mail on March 18, 2009.
12. Complainant has not filed a change of address and has not notified the Commission or Respondent of a change of address or an new address where she may be reached.
13. On April 30, 2009, the March 16, 2009 consolidation order that had been mailed to Complainant was returned to the Commission.
14. On April 15, 2009, Respondent filed a Motion to Dismiss with Prejudice.
15. On April 22, 2009, I entered an Order setting a briefing schedule on Respondent's Motion to Dismiss.
16. To date, Complainant has failed to file a response to the Respondent's Motion to Dismiss.

### CONCLUSIONS OF LAW

1. A complaint may be dismissed when a party fails to appear at a scheduled hearing without requesting a continuance reasonably in advance or unreasonably refuses to comply with a Commission Order or otherwise engages in conduct which unreasonably delays or protracts proceedings.
2. Complainant has failed to: (a) appear at two consecutively scheduled hearings; (b) comply with Commission Orders; and (c) file a response to this Motion. The appropriate sanction is dismissal of the Complaint, and the underlying charge, with prejudice.

### DISCUSSION

Under Commission Procedural Rules, an Administrative Law Judge may recommend to the Commission that a complaint be dismissed where a party fails to appear at a scheduled status hearing, unreasonably refuses to comply with a Commission Order or otherwise engages in conduct which unreasonably delays or protracts proceedings. **See 775 ILCS 5/8A-102(1)(6) and 56 Ill. Admin. Code §5300.750(e).**

Complainant has taken absolutely no action to prosecute this case since its inception. All orders and mail sent to Complainant at the address on file with the Commission and Respondent's counsel has been returned. If Complainant has moved, she has failed to supply a change of address or updated information to the Commission or Respondent's counsel. It appears that Complainant has simply abandoned her claim in this case. As such, it is appropriate to dismiss her Complaint, with prejudice. **Bulmer v. Teng & Associates, Inc., IHRC 05-419, May 15, 2006. See also Williams v. SBC Ameritech, IHRC, 05-455, Dec. 11, 2006.**

In addition, Complainant has not filed any response to the Motion. The Commission has held that a dispositive motion should be granted where it appears on its face to be valid and the Complainant has failed to file a response. **Jones and Burlington Northern Railroad, 25 Ill. HRC. 101 (1986).**

**RECOMMENDATION**

I recommend the Commission dismiss the Complaint, and the underlying charge, with prejudice.

**HUMAN RIGHTS COMMISSION**

**BY: \_\_\_\_\_**  
**REVA S. BAUCH**  
**DEPUTY CHIEF ADMINISTRATIVE LAW JUDGE**  
**ADMINISTRATIVE LAW SECTION**

**ENTERED: JULY 1, 2009**