

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF:)

SHIRLEY JACKSON,)

Complainant,)

and)

SOUTH SIDE HARDWARE,)

Respondent.)

CHARGE NO(S): 2007CP0846
EEOC NO(S): N/A
ALS NO(S): 09-0112

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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)	
Respondent.)	Judge Gertrude L. McCarthy

RECOMMENDED ORDER AND DECISION

This matter comes before me pursuant to my order of January 19, 2010, scheduling a public hearing for March 4, 2010. A *default order* was issued against Respondent on November 2, 2009 and the public hearing was to be on the issue of damages only.

The 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

1. On March 20, 2009, The Illinois Department of Human Rights (Department) filed a Complaint on behalf of Complainant, alleging sex discrimination in violation of the Act.
2. On March 23, 2009, a *Notice of Public Hearing* was issued scheduling this matter before the Commission on June 10, 2009. On that date, Complainant appeared and Respondent failed to appear. A status date was scheduled for August 12, 2009.
3. On August 12, 2009, Complainant appeared and Respondent again failed to appear. A status date was scheduled for October 29, 2009.

4. On October 29, 2009, Complainant appeared and Respondent failed to appear. On that date, Respondent was found to be in default and this matter set for January 13, 2010 to schedule a public hearing on damages.

5. On January 13, 2010, Complainant appeared and Respondent failed to appear. A public hearing date on damages was scheduled for March 4, 2010.

6. All Commission notices sent to Respondent at the address submitted with its appearance before the Department, were returned as being unable to forward.

7. On March 4, 2010, Complainant failed to appear for the public hearing.

CONCLUSION OF LAW

Complainant's failure to appear for the public hearing on March 4, 2010 prevented the Commission from determining an award of damages on her behalf.

DISCUSSION

Although appearing before the Commission on several occasions, Complainant failed to appear for the public hearing scheduled to determine what, if any, damages should be awarded to her. This failure to appear precluded the Commission from making any award determination on her behalf. *Amber Reynolds, a Minor, by Mark A. Reynold, Next of Kin and Hardee's, et al.*, IHRC, S-11770, December 12, 2002..

RECOMMENDATION

A. That Respondent, as a result of default order, be found to have discriminated against Complainant on the basis of sex.

B. Based on Complainant's failure to appear for a public hearing on damages, it is recommended that there be no award of damages to Complainant.

HUMAN RIGHTS COMMISSION

BY _____
GERTRUDE L. MCCARTHY
ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION

ENTERED: March 24, 2010