STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

IN THE MATTER OF:	)	
	)	
LILIYA HERNANDEZ,	)	
	)	
	)	
Complainant,	)	CHARGE NO(S): 2008CE4016
	)	EEOC NO(S): 440-2008-04818
and	)	ALS NO(S): 10-0079
	)	
ADVOCATE GOOD SAMARITAN HOSPITAL,	)	
	)	
	)	
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 16th day of June 2011

N. KEITH CHAMBERS
EXECUTIVE DIRECTOR

STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

IN THE MATTER OF:	)	
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LILIYA HERNANDEZ,	)	
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Complainant,	)	**Charge No.: 2008CE4016**
	)	**EEOC No.: 440-2008-04818**
and	)	**ALS No.: 10-0079**
	)	
ADVOCATE GOOD SAMARITAN HOSPITAL,	)	**Judge Lester G. Bovia, Jr.**
	)	
Respondent.	)	

RECOMMENDED ORDER AND DECISION

This matter has come to be heard on Respondent's Motion to Dismiss for Want of Prosecution ("Motion"). Complainant was duly served with the Motion and given an opportunity to respond, but failed to do so.

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. Moreover, the Department was duly served with the Motion and given an opportunity to be heard. Accordingly, this matter is now ready for disposition.

FINDINGS OF FACT

The following facts were derived from the record file in this matter:

1. Complainant filed a charge with the Department on April 15, 2008, alleging that Respondent retaliated against her for filing a previous charge against Respondent. Respondent denies Complainant's allegation.

2. Complainant filed a *pro se* complaint with the Commission on January 29, 2010. By notice dated January 29, 2010, which was duly served upon the parties, the Commission scheduled the initial status hearing for April 27, 2010.

3. Neither Complainant nor Respondent appeared at the April 27 initial status hearing, either personally or through counsel. Accordingly, by order dated April 27, 2010, the next status

hearing was scheduled for June 9, 2010. The April 27 order was duly served upon both parties. Also, the April 27 order warned the parties that future failures to appear at scheduled hearings could result in dismissal, default, and/or other sanctions as justice may require.

4. Respondent appeared at the June 9 status hearing through counsel; Complainant did not appear, either personally or through counsel. By order dated June 9, 2010, another status hearing was scheduled for July 14, 2010. The June 9 order advised that "Complainant [was] ordered to appear" at the July 14 status hearing. (Emphasis in original.)

5. Though duly served with the June 9 order, Complainant did not appear at the July 14 status hearing, either personally or through counsel. Accordingly, Respondent was granted leave to file this Motion.

6. Respondent served a copy of this Motion upon Complainant at her last known address. Although Complainant was duly served with Respondent's Motion, she never filed a response.

CONCLUSIONS OF LAW

1. Complainant has failed to prosecute her case, which has unreasonably delayed the proceedings in this matter.

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

DISCUSSION

Complainant has failed to appear at three consecutive status hearings. After missing her first status hearing, Complainant was warned that her failure to appear could result in the dismissal of her case. After missing her second status hearing, Complainant was advised explicitly that she "[was] ordered to appear" at the next status hearing. (Emphasis in original.) Complainant ignored both admonishments.

Furthermore, Complainant has not responded to this Motion or provided any justification whatsoever regarding her failure to prosecute her case. It appears that Complainant simply has abandoned her claim.

The Commission routinely dismisses abandoned claims. See, e.g., Diaz and Sun Steel, IHRC, ALS No. 07-688, March 17, 2009 and Leonard and Solid Matter, Inc., IHRC, ALS No. 4942, August 25, 1992. The Commission also dismisses cases where complainants fail to appear at dates scheduled for hearing or status, as a complainant's failure to appear unreasonably delays proceedings before the Commission. See, e.g., Stewart and SBC Midwest, IHRC, ALS No. 04-227, March 22, 2006 and Jackson and Chicago Firefighters Union Local No. 2, IHRC, ALS No. 8193, September 29, 1997.

Complainant's failure to prosecute her case has unreasonably delayed the proceedings in this matter. Therefore, this case should be dismissed.

RECOMMENDATION

Based on the foregoing, it is recommended that Respondent's Motion be granted, and that the complaint and underlying charge against Respondent be dismissed in their entirety with prejudice.

HUMAN RIGHTS COMMISSION

BY:_____

LESTER G. BOVIA, JR.
ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION

ENTERED: August 25, 2010