This Recommended Order and Decision became the Order and Decision of the Illinois Human Rights Commission on 01/23/06

STATE OF ILLINOIS

HUMAN RIGHTS COMMISSION

IN THE MATTER OF:	)	
	)	
JESSE RODRIGUEZ,	)	
	)	
Complainant,	)	**CHARGE NO. 2003CF2766**
	)	**ALS NO. 04-323**
	)	
AND	)	
	)	
	)	
CONCENTRA PREFERRED SYSTEMS,	)	
	)	
	)	
Respondent.	)	

RECOMMENDED ORDER AND DECISION

This matter comes before this tribunal on Respondent, Concentra Preferred Systems', *Motion for Summary Decision*, which was timely filed with the Commission on July 1st, 2005. Although Complainant Rodriguez was ordered to file a response to that motion by July 15, 2005, Complainant has not filed a responsive pleading. The matter is now ready for decision.

FINDINGS OF FACT

1. On August 31, 2004, a *Complaint of Civil Rights Violation* was filed with the Commission by the Illinois Department of Human Rights on behalf of Complainant. That complaint alleges that Respondent employer discriminated against Complainant on the basis of his national origin, Mexico.
2. Respondent filed its *Answer to the Complaint of Civil Rights Violation* on October 7, 2004 and its *Verification* of that answer on November 29, 2004.

3. The parties completed the discovery process in this matter in May of 2005.

4. After being granted leave to do so, Respondent filed its motion for summary decision on July 1, 2005. Complainant was properly served with that motion.

5. Despite this tribunal's order of May 17, 2005 which provided a date for Complainant to file a response to Respondent's motion for summary decision, as of the date of this *Recommended Order and Decision*, no responsive pleading has been filed.

CONCLUSIONS OF LAW

1. The Illinois Human Rights Commission has jurisdiction over the subject matter of the *Complaint of Civil Rights Violation* filed in this case.

2. This tribunal is under no obligation or duty to search the record to find reasons to deny a motion. If a motion appears valid on its face, and if the opposing party cannot tell this tribunal why the motion should not be granted, the motion may be granted. *Jones and Burlington Northern Railroad*, 25 Ill. HRC Rep. 101, 102 (1986).

DISCUSSION

For reasons unknown to this tribunal, Complainant has made the choice to not respond to Respondent's motion for summary decision. Upon review of Respondent's *Certificate of Service,* dated July 1, 2005, it is clear that Complainant's counsel was properly served with the motion. Despite that fact, as of the date of this *Recommended Order and Decision,* no responsive pleading has been filed with the Commission.

The Commission has held that it *"will not search the record to find reasons to deny a motion. If a motion appears valid on its face, and if the other side cannot tell us why the motion should not be granted, we will grant the motion." Jones and Burlington*

Northern Railroad, 25 Ill. HRC Rep. 101, 102 (1986). In this case, Complainant has failed to provide this tribunal with any reason not to grant Respondent's motion for summary decision. Therefore, it is appropriate to grant the motion and dismiss the *Complaint of Civil Rights Violation* with prejudice.

RECOMMENDATION

Based on the foregoing, this tribunal recommends that the instant complaint, ALS No. 04-323, along with the underlying charge of discrimination, Charge No. 2003CF2766, be dismissed with prejudice.

ENTERED: November 30th, 2005 **HUMAN RIGHTS COMMISSION**

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MARIETTE LINDT
ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION