



This Recommended Order and Decision became the Order and Decision of the Illinois Human Rights Commission on 5/29/01.

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF)		
)		
Gabino Arroyo,)		
Complainant)		
)	CHARGE NO.:	1994 CF 0575
and)	EEOC NO.:	
)	ALS NO.:	8289
Medline Industries, Inc.,)		
Respondent)		

RECOMMENDED ORDER AND DECISION

This matter comes before the Commission on Respondent’s Motion to Dismiss for Want of Prosecution (“Motion”), filed on August 7, 2000. Complainant filed no response and did not appear on September 21, the date the Motion was set for hearing. Therefore, no reply was required from Respondent. There is no further activity in this case reflected in the record. It is now ready for disposition.

Statement of the Case

The complaint in this case was filed by Complainant’s counsel on his behalf on July 20, 1994 and Respondent’s verified answer was filed on August 19, 1994. The discovery period continued until at least May, 1996 and Respondent filed a motion for summary decision on June 28, 1996. An order denying the motion for summary decision was entered on August 24, 1999. Complainant’s counsel was permitted to withdraw by order entered on May 8, 2000. To that date, no joint pre-hearing memorandum had been tendered to Respondent by Complainant. Complainant last appeared in conjunction with this case on June 5, 2000. At the next status date of July 17, 2000, Respondent was given leave to file a motion to dismiss for want of prosecution.

The written Motion was filed on August 7, 2000 and Complainant did not appear at the next status date of August 31, 2000 or the subsequent status date of September 21, 2000

Findings of Fact

1. Respondent, represented by counsel, was properly served with notice of this matter and timely filed its verified answer.
2. Following the withdrawal of his attorney on May 8, 2000, Complainant neither filed an appearance to proceed *pro se*, nor did he engage the services of new counsel.
3. Complainant failed to appear at status hearings held for this case on August 31, 2000 or September 21, 2000 and he did not respond to the Motion after it was filed on August 7, 2000.

Conclusions of Law

1. Complainant is an “aggrieved party” and Respondent is an “employer” as those terms are defined by the Illinois Human Rights Act, 775 ILCS 5/1-103(B) and 5/2-101(B) respectively.
2. The Commission has jurisdiction over the parties and the subject matter of this action.
3. The Commission is authorized to dismiss complaints with prejudice due to “the failure of a party to prosecute his or her case” Illinois Human Rights Act, 775 ILCS 5/8A-102(I)(6).
4. Because Complainant has failed to take any action with regard to this case, there has been a failure “to prosecute his or her case” on the part of Complainant, thereby requiring dismissal of the complaint with prejudice.

Discussion

It is a fundamental principle governing practice before this Commission that it is the singular responsibility of complainants to diligently pursue the disposition of the cases once they are docketed with the Commission. In this case, Complainant has not participated in the prosecution of the case in any fashion. Because of the passage of time with no effective action on the part of Complainant, it is recommended that this case now be dismissed because of the failure of Complainant to prosecute his case.

Recommendation

It is recommended that Respondent's Motion be granted and this case be dismissed with prejudice pursuant to the authority granted to the Commission in the Illinois Human Rights Act at 775 ILCS 5/8A-102(I)(6).

HUMAN RIGHTS COMMISSION

ENTERED:

February 28, 2001

BY: _____
DAVID J. BRENT
ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION