



This Recommended Order and Decision became the Order and Decision of the Illinois Human Rights Commission on 10/07/04.

STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

IN THE MATTER OF:)	
)	
WILLIAM J. BOOKER, JR.)	
)	CHARGE: 2002CF0775
Complainant,)	EEOC: 21BA20070
)	ALS NO: 11980
SPI DISTRIBUTION, INC.,)	
Respondents.)	

RECOMMENDED ORDER AND DECISION

On January 2, 2003, the Illinois Department of Human Rights (Department), filed a complaint on behalf of Complainant, William J. Booker, Sr., alleging that Respondent, SPI Distribution, Inc., sexually harassed him.

Findings of Fact

1. On the initial hearing date, February 18, 2003, this matter was continued to May 7, 2003. Both parties appeared.
2. On May 7, 2003, this matter was continued to June 4, 2003. Respondent appeared; Complainant did not appear. A copy of this order was served on Complainant. That order stated that Complainant's failure to appear at the next hearing date could result in the dismissal of his case.
3. On June 4, 2003, Respondent filed its Motion to Dismiss. A briefing schedule was entered and a hearing on the motion was set for August 19, 2003. Respondent appeared; Complainant did not appear. A copy of the Motion to Dismiss, and that order, was served on Complainant.
4. On August 19, 2003, again, Respondent appeared; Complainant did not appear.

Conclusions of Law

1. Complainant's failure to comply with Commission orders, or to make any attempt to explain those failures, has unreasonably delayed the proceedings in this case.
2. In light of Complainant's apparent abandonment of his claim, it is appropriate to dismiss this matter with prejudice.

Discussion

Complainant has taken little action to prosecute this matter since his complaint was filed. Despite being served with notice, he has not appeared at scheduled hearings in this matter or complied with discovery requests. None of these failures on Complainant's part have been explained. Complainant's continued inaction has unreasonably delayed proceedings in this matter.

It appears that Complainant has simply abandoned his claim. As a result it is appropriate to dismiss the claim with prejudice. *See, Leonard and Solid Matter, Inc., ___ Ill. HRC Rep. ___, (1989CN3091, August 25, 1992).*

Recommendation

Based upon the foregoing, Complainant's inaction has unreasonably delayed the proceedings in this matter; it appears that he has abandoned her claim. Accordingly, it is recommended that this case be dismissed in its entirety, with prejudice.

HUMAN RIGHTS COMMISSION

BY:
WILLIAM H. HALL, IV
ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION

ENTERED: August 20, 2003