



This Recommended Order and Decision became the Order and Decision of the Illinois Human Rights Commission on 3/29/01.

STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION

IN THE MATTER OF:	)	
	)	
CAMELLA A. CLAY,	)	
	)	
Complainant,	)	
	)	Charge No.: 2000CF1446
and	)	EEOC No.: 21BA00816
	)	ALS No.: 11309
REV. CHARLES FLOYD,	)	
	)	
	)	
Respondent.	)	

RECOMMENDED ORDER AND DECISION

On June 27, 2000, Complainant, Camelia A. Clay, filed a complaint on her own behalf against Respondent, Rev. Charles Floyd. That complaint alleged that Respondent sexually harassed Complainant.

This matter now comes on to be heard on my own motion, *sua sponte*, to dismiss the case. Neither party appeared at the last status, despite being ordered to appear.

FINDINGS OF FACT

The following findings are based upon the record file in this matter.

1. Despite being properly served with the complaint package, neither party appeared for the initial status in this matter. An order was entered which set a new status date, October 2, 2000. Both parties were ordered to attend. In

addition, the order required Respondent to file a verified answer to the complaint. The order was duly served by mail upon both parties.

2. On October 2, 2000, Complainant appeared but Respondent did not. A default order was entered against Respondent and the matter was set for prove-up of damages. The order was duly served by mail upon Respondent.

3. On October 27, 2000, the scheduled prove-up date, Respondent appeared but Complainant did not. An order was entered which set the matter for status on November 16, 2000. The parties were ordered to appear or risk default or dismissal, and the order was served by mail upon both parties.

4. On November 16, 2000, Respondent appeared but Complainant did not. Respondent's motion to vacate the earlier default order was granted. Respondent's motion to dismiss the case was entered and continued to allow Respondent to serve his motion upon the Illinois Department of Human Rights (IDHR). A hearing on Respondent's motion to dismiss was scheduled for December 14, 2000, and a copy of the order was served upon Complainant by mail.

5. On December 14, 2000, Respondent appeared but Complainant did not. Respondent still had not served his motion to dismiss upon the IDHR, so his motion was continued once again for hearing. The new hearing date was January 18, 2001. The order entered on December 14 required both parties to appear on

the next scheduled date or risk dismissal or default. A copy of the order was served upon Complainant by mail.

6. On January 18, 2001, neither party appeared.

#### CONCLUSIONS OF LAW

1. Complainant's failure to prosecute this matter has unreasonably delayed these proceedings.

2. This matter should be dismissed with prejudice because of Complainant's inaction.

#### DISCUSSION

This matter has been pending since Complainant filed her complaint on June 27, 2000. Since that time, Complainant has appeared only once. Outside of that single appearance, she has done absolutely nothing to prosecute her case.

Complainant's inaction is particularly puzzling in light of the fact that she obtained a default order on her one appearance. Since that time, Respondent has filed a motion to dismiss and Complainant has been served with orders scheduling that motion for hearing, but she has failed to appear to contest that motion. The only reasonable conclusion to draw is that Complainant has abandoned her claim. As a result, it is appropriate to dismiss this claim with prejudice. See **Leonard and Solid Matter, Inc.**, \_\_\_ Ill. HRC Rep. \_\_\_ (1989CN3091, August 25, 1992).

#### RECOMMENDATION

Based upon the foregoing, it appears that Complainant has

abandoned her claim. Accordingly, it is recommended that the complaint in this matter be dismissed in its entirety, with prejudice.

HUMAN RIGHTS COMMISSION

BY: \_\_\_\_\_  
MICHAEL J. EVANS  
ADMINISTRATIVE LAW JUDGE  
ADMINISTRATIVE LAW SECTION

ENTERED: February 6, 2001