



This Recommended Order and Decision became the Order and Decision of the Illinois Human Rights Commission on 3/10/04.

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

In the Matter of CAROL COLEMAN)	
CALLAHAN)	
)	Charge No.: 1990 CF 3513;
Complainant,)	EEOC:
)	ALS No.: 9162
And)	
)	
ILLINOIS DEPARTMENT OF MENTAL)	
HEALTH AND DEVELOPMENTAL)	
DISABILITIES, SHAPIRO)	
DEVELOPMENTAL CENTER,)	
)	
Respondent.)	

RECOMMENDED ORDER AND DECISION

This matter comes before the Commission pursuant to a telephonic status hearing held by agreement of the parties on January 20, 2004. There has been no activity in this case by either party since the Administrative Law Judge's order of October 6, 1997, and this matter is now ready for a recommendation for disposition by the Commission.

Statement of the Case

The complaint in this case was filed on Complainant's behalf by the Illinois Department of Human Rights on December 8, 1995. Respondent filed its verified answer on January 14, 1996. The matter proceeded from time to time until a public hearing was scheduled for October 6, 1997. At that hearing, at which counsel for both parties appeared, Complainant failed to appear and testify. Complainant's attorney moved to withdraw, which motion was denied. Thereafter, Complainant's attorney sought a continuance, which continuance was denied. The parties were given the opportunity to brief a motion for directed finding made by the Respondent. Neither party filed a brief.

Findings of Fact

1. A Motion for directed finding was made by Respondent in this matter on October 6, 1997, as a result of Complainant's failure to present evidence on her own behalf.
2. Complainant did not file a brief in opposition to said motion.

Conclusions of Law

1. The Commission has jurisdiction over the parties in this matter.
2. 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(l)(6).
3. Because Complainant has failed to appear at the duly scheduled public hearing in this matter or to comply with the briefing schedule set by the Administrative Law Judge, 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 cases once they are docketed with the Commission. In this case, Complainant has failed to participate in the prosecution of the case by not attending the scheduled hearing date. It is recommended that this case now be dismissed because of the failure of Complainant to prosecute his case.

Recommendation

It is recommended that 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(D)(6).

HUMAN RIGHTS COMMISSION

ENTERED:

January 21, 2004

BY: _____

MARY KENNEDY
CHIEF ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION