



This Recommended Order and Decision became the Order and Decision of the Illinois Human Rights Commission on 10/29/01.

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF:)	
)	
THOMAS CRAWFORD,)	
)	
Complainant,)	
)	Charge No.: 1999CF2668
and)	EEOC No.: 21B992137
)	ALS No.: 11321
THE CONGRESS PLAZA HOTEL)	
AND CONVENTION CENTER,)	
)	
Respondent.)	

RECOMMENDED ORDER AND DECISION

On July 10, 2000, the Illinois Department of Human Rights filed a complaint on behalf of Complainant, Thomas Crawford. That complaint alleged that Respondent, The Congress Plaza Hotel and Convention Center, discriminated against Complainant on the basis of his race when it discharged him.

This matter now comes on to be heard on Respondent's Motion To Dismiss For Want Of Prosecution. Although Complainant was served with the motion, he neither filed a written response nor appeared at the scheduled hearing on the motion. The time for his response has passed. The matter is now ready for decision.

FINDINGS OF FACT

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

1. The initial status date in this case was September 8,

2000. Complainant failed to appear on that date. The order that was entered on that date ordered Complainant to appear at the next status date or risk dismissal of his case.

2. On November 2, 2000, Complainant was present when a scheduling order was entered. Among other things, that order set a final status date of April 30, 2001.

3. Complainant did not appear at the scheduled final status on April 30, 2001. The order that was entered that date set another status date of May 21, 2000. The order further provided that Respondent would be given leave to file a motion to dismiss if Complainant did not appear at the May 21 status. The order of April 30 was served on Complainant by Respondent's counsel.

4. Complainant did not appear at the May 21, 2000 status date. The order entered that date gave Respondent leave to file a motion to dismiss. That order was served on Complainant by Respondent's counsel.

5. Despite being served with Respondent's motion to dismiss, Complainant did not file a written response to the motion and did not appear at the scheduled hearing on that motion. The time to respond to the motion has passed.

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 July of 2000. Although Complainant appeared at some of the early status hearings, he now has missed several such hearings in a row. He has failed to appear since November 2, 2000. Since that time, he apparently has done nothing to prosecute his case.

Complainant's inactivity is particularly puzzling in light of the fact that Respondent has filed a motion to dismiss the case. Despite being served with that motion, Complainant has failed to appear to contest it or to file a written response to it.

Under section 8A-102(I)(6) of the Human Rights Act, 775 ILCS 5/1-101 *et seq.*, an administrative law judge may recommend dismissal of a case if a complainant fails to prosecute his case or appear at a scheduled hearing. Complainant's behavior meets that standard. His continued inaction, even in the face of a motion to dismiss, strongly suggests that he has abandoned his claim. As a result, it is appropriate to dismiss his 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 his 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: September 12, 2001