

8. On September 25, 2002, Respondent appeared; Complainant did not appear. Respondent made an oral motion to dismiss this matter for want of prosecution and I granted it.

Conclusion of law

The failure of Complainant to appear at four consecutive scheduled status hearings or to request continuances in advance has resulted in unreasonable delay, justifying dismissal of this Complaint with prejudice.

Discussion

Section 5300.750(e) of the Procedural Rules of the Illinois Human Rights Commission authorizes a recommendation for dismissal with prejudice where a party fails to appear at a scheduled hearing without requesting a continuance reasonably in advance, or unreasonably refuses to comply with any Order entered, or otherwise engages in conduct which unreasonably delays or protracts the proceedings. Similarly, 775 ILCS 5/8A-102(1)(6) authorizes a recommended order of dismissal, with prejudice, or of default as a sanction for a party's failure to prosecute her case, appear at a hearing, or otherwise comply with this Act, the rules of the Commission, or a previous Order of the Administrative Law Judge.

The record indicates that Complainant did not appear for the initial status hearing on August 7, 2002 and subsequently failed to appear for consecutive scheduled status hearings on August 13, 2002, September 10, 2002 and September 25, 2002. Complainant was warned in the August 13, 2002 order that her failure to appear for the September 10, 2002 hearing may result in an order to dismiss. Complainant was further warned in the September 10, 2002 order that her failure to appear September 25, 2002 may result in an order to dismiss. However, despite these warnings, Complainant has failed to appear. Further, Complainant has filed no pleadings and has taken no action whatsoever to indicate his interest in pursuing this matter.

As Complainant has taken no steps to indicate his desire to pursue this matter, I can take no other action in this case except to dismiss the Complaint.

Recommendation

Therefore, I recommend that this Complaint and the underlying Charge be dismissed with prejudice.

HUMAN RIGHTS COMMISSION

BY: _____

SABRINA M. PATCH
Administrative Law Judge
Administrative Law Section

ENTERED: October 2, 2002