



**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

<b>IN THE MATTER OF:</b>	)
	)
	)
PAULA EWBANK,	)
	)
<b>Complainant,</b>	)
	)
<b>and</b>	)Charge No:1994 CF 2974
	)EEOC No (S):21 B 942323
	)ALS No: 10221
AMERICAN COMPOSITE TECHNOLOGY,	)
	)
<b>Respondent.</b>	

**RECOMMENDED ORDER AND DECISION**

This matter is before me on scheduled telephone status. Respondent was available through counsel; prose Complainant was not available.

**Findings of Fact**

1. Complainant filed a Charge of Discrimination against the Respondent with the Illinois Department of Human Rights (Department) on February 16, 1994.
2. On November 13, 1997, the Department filed a Complaint on behalf of the Complainant alleging Complainant to have been aggrieved by practices of sexual harassment and retaliatory discharge discrimination in violation of the Illinois Human Rights Act (Act), 775 ILCS 5/1-101 et. seq.
3. Respondent filed a motion to dismiss on April 13, 1998, which was denied on April 20, 2000
4. Respondent filed a motion for leave to refile its motion to dismiss on May 1, 2000; that motion was granted May 16, 2000 and Respondent refiled the motion to dismiss on May 19, 2000.
5. Respondent's motion to dismiss was denied on September 18, 2001.
6. The September 18, 2001 order ordered Respondent to file a verified answer to the Complaint by October 12, 2001 and further ordered Complainant to make an appropriate motion to amend the Complaint no later than October 12, 2001, to be available for a telephone status hearing on October 16, 2001, and to notify the Commission of a valid telephone number no later than October 12, 2001.
7. Complainant did not contact the Commission with a valid telephone number.
8. Respondent filed a verified answer to the Complaint on October 12, 2001.
9. At the October 16, 2001 scheduled telephone hearing, Respondent was available; Complainant was not available. An order was entered. The order indicated that I attempted to contact Complainant at two separate telephone numbers, which were both disconnected. The order gave Complainant a final opportunity to comply with

my September 18, 2001 order and to otherwise make a showing that she has not abandoned this case. The order ordered Complainant to be available for a telephone status conference set for November 21, 2001 at 10:00 a.m. and further warned Complainant that failure to be available may result in dismissal of the Complaint.

**Discussion**

Complainant has failed to comply with the directives of my order of September 18, 2001. Complainant was not available for the November 21, 2001 and October 16, 2001 telephone status hearings and has failed to take any action whatsoever to advance her case to final resolution. The Illinois Human Rights Act at 775 ILCS 5/8A-102(I)(6), authorizes a recommended order of dismissal with prejudice or an order of default as a sanction for the failure of a party to prosecute his case or appear at a hearing or otherwise comply with this Act, the rules of the Commission, or a previous order of the hearing officer. Section 5300.750(e) of the Procedural Rules of the Illinois Human Rights Commission authorizes a recommendation of dismissal with prejudice as a sanction where a party has failed 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 proceedings.

**Conclusions of Law**

Complainant's failure to be available for the November 21, 2001 and October 16, 2001 scheduled hearings, her failure to comply with the directives of my September 18, 2001 order and her failure to take any action to evidence her intent to prosecute this matter, have resulted in unreasonable delay, justifying dismissal of this matter with prejudice.

**Determination**

Complainant's conduct has resulted in unreasonable delay and renders it difficult for the Commission to take any action with regard to this case except to dismiss it.

**Recommendation**

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: January 2, 2002**