

9. The Complainant has failed to return Commission telephone calls or to otherwise contact the Commission.

Conclusion of law

The failure of Complainant to file a motion for voluntary dismissal or other pleadings to indicate an interest in this matter since July 6, 2000 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(I)(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.

There has been no action on this file since July 6, 2000, and Complainant has failed to return numerous telephone calls from the Commission requesting that Complainant file a motion for voluntary dismissal or other pleadings to indicate interest in this matter. Therefore, I can take no other action in this matter 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: May 30, 2002