This Recommended Order and Decision became the Order and Decision of the Illinois Human Rights Commission on 05/15/06

STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

IN THE MATTER OF:	)	
	)	
MIGUEL RODRIGUEZ,	)	
	)	
	)	
Complainant,	)	
	)	**Charge No.: 2001CF2357**
and	)	**EEOC No.: 21BA11855**
	)	**ALS No.: 11773**
CHICAGO BOOTH MANUFACTURING, INC.,	)	
	)	
	)	
Respondent.	)	

RECOMMENDED ORDER AND DECISION

On May 3, 2002, the Illinois Department of Human Rights filed a complaint on behalf of Complainant, Miguel Rodriguez. That complaint alleged that Respondent, Chicago Booth Manufacturing, Inc., discriminated against Complainant on the bases of his national origin and his ancestry when it discharged him.

A public hearing on the allegations of the complaint was scheduled for November 21, 2005. Although he was given notice of that hearing, Complainant did not appear at the scheduled time. Respondent appeared through counsel. Complainant did not file any motion or contact the Commission's office beforehand to explain his absence. The matter is ready for decision.

FINDINGS OF FACT

The following facts were derived from the record file in this matter and from the transcript of proceedings from the November 21, 2005 public hearing.

1. On October 20, 2005, this matter was set for public hearing on November 21, 2005. Complainant was present when the scheduling order was entered and he received a copy of the order.

2. Complainant was representing himself, *pro se*, in this matter.

3. Complainant did not file any written motions between October 20, 2005 and November 21, 2005.

4. Complainant did not appear at the scheduled public hearing on November 21, 2005. Nobody appeared at that hearing on his behalf.

5. Complainant did not contact the Commission's office prior to the scheduled public hearing to explain his failure to appear at the hearing.

6. Respondent was present through counsel at the scheduled public hearing. In addition, Respondent's principals attended the hearing, as did two witnesses who were present on Respondent's behalf.

7. The public hearing was closed without presentation of any evidence.

CONCLUSIONS OF LAW

1. Complainant did not establish a *prima facie* case of discrimination against him on the basis of his national origin.

2. Complainant did not establish a *prima facie* case of discrimination against him on the basis of his ancestry.

3. This matter should be dismissed in its entirety, with prejudice.

DISCUSSION

On October 20, 2005, this matter was set for public hearing on November 21, 2005. Complainant was present when the scheduling order was entered and he received a copy of the order. Despite that notice, Complainant did not appear at the scheduled public hearing and he did not file any motion to continue the hearing or to explain his absence.

Because of Complainant's failure to appear at the public hearing, no evidence was submitted on his behalf at that hearing. The hearing record was opened and Complainant's absence was discussed. Then, the hearing record was closed.

The method of proving a charge of discrimination is well established. First, Complainant

must establish a *prima facie* case of discrimination. If he does so, Respondent must articulate a legitimate, non-discriminatory reason for its actions. Once such a reason is articulated, for Complainant to prevail, he must prove that Respondent's articulated reason is pretextual. ***Zaderaka v. Human Rights Commission***, 131 Ill. 2d 172, 545 N.E.2d 684 (1989). *See also* ***Texas Dep't of Community Affairs v. Burdine***, 450 U.S. 251 (1981).

Complainant in the instant case has been representing himself, *pro se*. That fact, though, has no bearing on this decision. A *pro se* litigant is held to the standard of an attorney. ***First Illinois Bank & Trust v. Galuska***, 155 Ill. App. 3d 86, 627 N.E.2d 325 (1st Dist. 1993).

As a result of Complainant's failure to appear at the public hearing, there is no evidence in the record to establish a *prima facie* case of either national origin or ancestry discrimination. Therefore, both claims should be dismissed.

RECOMMENDATION

Based upon the foregoing, by failing to appear at the public hearing in this matter, Complainant failed to prove any aspect of his claims. Accordingly it is recommended that the complaint in this matter be dismissed in its entirety, with prejudice.

HUMAN RIGHTS COMMISSION

BY:_____
MICHAEL J. EVANS
CHIEF ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION

ENTERED: March 21, 2006