



**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF:)	
)	
DAYNO TUNNO,)	
)	
Complainant,)	
)	
and)	Charge No:2001 CF 1996
)	EEOC No (S):21 BA 11198
)	ALS No: 11705
ALTERNATE THERAPIES CENTER and)	
HOSSAM KAMAL,)	
)	
Respondents.)	

RECOMMENDED ORDER AND DECISION

The Commission transmitted this matter to the Administrative Law Section for a hearing on damages after the entry of an Order of Default on January 23, 2002. A damages hearing was held on March 21, 2002. Complainant was the only party to appear at the public hearing. An order was issued setting a schedule for the parties to submit closing briefs and an attorney fee petition by May 20, 2002 and June 3, 2002. When no briefs from either party were received and no request for extension was filed, I issued another order advising the parties to file briefs no later than June 20, 2002. Neither briefs nor attorney fee petition has been filed. This matter is ready for a Recommended Order and Decision.

Based upon the record, I make the following findings of fact:

FINDINGS OF FACT

1. The Commission issued an Order of Default against Respondent on January 23, 2002.
2. The matter was transferred to the Administrative Law Section to set a hearing on damages.
3. Pursuant to the default order, Respondent admits the charges of sex and retaliatory discharge in the Charge of Discrimination filed February 28, 2001, in accordance with 775 ILCS 5/7A-102(B).
4. A public hearing on damages was held on March 21, 2002.
5. Complainant appeared for the damages hearing; Respondent did not appear.
6. Post hearing briefs and an attorney fee petition were ordered to be filed by May 20, 2002 and June 3, 2002.
7. Neither briefs nor attorney fee petition was filed.
8. Although no extension was requested by either party, I issued an order giving the Parties until June 20, 2002 to file the post hearing briefs.

9. To date, neither briefs nor attorney fee petition has been filed.
10. Complainant lost \$3,200.00 in back wages.
11. Complainant suffered emotional distress damages in the amount of \$1,000.00
12. Complainant is not entitled to any attorney fees.

CONCLUSIONS OF LAW

1. Complainant is entitled to lost wages.
2. Complainant is entitled to back pay and emotional distress damages.
3. Complainant is not entitled to attorney's fees.

DETERMINATION

Complainant is entitled to a default judgment on the issue of liability pursuant to the Order of Default issued January 23, 2002. Complainant is entitled to lost wages of \$3,200.00 and emotional damages in the amount of \$1,000.00. Complainant is not entitled to any attorney's fees, as an attorney fee petition was not filed.

DISCUSSION

The record indicates that Respondent has taken no action whatsoever to defend the claims against it posed by this Complainant. Respondent made no appearance at the public hearing on damages. Complainant testified and submitted into evidence documentation that she made \$640.00 every two weeks while working for Respondent, and that, following her termination, she was unemployed for ten weeks. Accordingly, I recommend Complainant receive \$640.00 X 5 pay periods for \$3,200.00 in back wages.

Complainant submitted credible testimony that, following her termination, she had trouble sleeping, she was upset and nervous at times, she took an over-the-counter pain killer and that the anxiety caused her to break up her relationship with her boyfriend. Complainant further testified that the anxiety has lessened and that she did not seek professional counseling because she could not afford it.

Complainant has not requested a specific amount to compensate her for emotional damages. However, I find that an award of emotional damages is appropriate due to the amount of anxiety and distress Complainant felt. Accordingly, I recommend Complainant receive \$1,000.00 in emotional distress damages.

Attorney's fees

Under Clark and Champaign National Bank, 4 Ill.HRC Rep. 193 (1982), an attorney requesting fees on behalf of his client must provide specific evidence, including a detailed affidavit meeting the standards set forth in *Clark and Champaign*. Since Complainant has presented no fee petition, despite adequate opportunity in which to do so, no attorney's fees are warranted.

RECOMMENDATION

Based on the foregoing, it is recommended that the Commission order:

1. Respondent to cease and desist discriminating against its employees on the basis of sex and retaliation;
2. Respondent to pay Complainant \$3,200.00 in back wages;
3. Respondent to pay Complainant \$1,000 in emotional damages.

HUMAN RIGHTS COMMISSION

By: _____
SABRINA M. PATCH
Administrative Law Judge
Administrative Law Section

ENTERED: July 15, 2002