



**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF)
)
Alton J. Williams,)
Complainant)
and)
)
Chicago School Reform Board)
of Trustees,)
Respondent)

CHARGE NO.: 1998 CF 0053
EEOC NO.: 21B 973064
ALS NO.: 10529

RECOMMENDED ORDER AND DECISION

This matter is before me on Respondent’s Motion to Dismiss for Want of Prosecution (“Motion”), filed March 21, 2001 and served on the Department of Human Rights and Complainant. Complainant’s response was apparently served in a timely fashion on Respondent on or about April 18, 2001 in that a reply was subsequently filed by Respondent on May 3, 2001 acknowledging the response. However, a copy of the response was only received at the Commission on May 18, 2001. The Motion is now ready for decision.

Even though Complainant responded to the Motion, he has not been as diligent in other aspects of prosecuting his complaint. He has never responded to either requests for discovery served on him by Respondent on December 14, 1998 and October 21, 1999. Further, there is no evidence in the record that he has ever filed any discovery request on Respondent. This case has appeared on the motion call of the Commission eleven times since the filing of the complaint, and Complainant has appeared only two times while failing to appear seven times (on two occasions, the record is ambiguous concerning Complainant’s attendance). The most recent appearance was October 18, 1999. While he has submitted two written documents, including the

response to the Motion, Complainant has not taken any action that advances this case to a final decision on the merits. I find that the case should be dismissed at this time because of the failure of Complainant to take any action since the filing of the complaint nearly three years ago consistent with reaching a disposition of the case on the merits, in accord with the authority granted to the Commission in the Illinois Human Rights Act, 775 ILCS 5/8A-102(I)(6).

Findings of Fact

1. Respondent was properly served with notice of this matter, answered the complaint, and has been represented by counsel throughout its pendency.
2. Although Complainant was informed of his right to be represented by counsel, he has chosen to represent himself throughout the pendency of this case.
3. There is no evidence in the record that Complainant has ever served an initial request for discovery on Respondent.
4. Respondent filed its initial request for discovery on Complainant on December 14, 1998. Complainant has not responded to this request, or a subsequent request filed in October, 1999, to date.
5. Respondent filed a Motion to Dismiss (“Motion”) on March 21, 2001. The Motion was served on Complainant and the Department of Human Rights.

Conclusions of Law

1. Complainant is an “aggrieved party” and Respondent is an “employer” as those terms are defined by the Illinois Human Rights Act, 775 ILCS 5/1-103(B) and 5/2-101(B)(1)(c), respectively.
2. The Commission has jurisdiction over the parties and the subject matter of this action.

3. The Commission is authorized to dismiss complaints with prejudice due to “the failure of a party to prosecute his or her case” Illinois Human Rights Act, 775 ILCS 5/8A-102(I)(6).

4. Because Complainant has failed to take actions that will advance this case to disposition on its merits, there has been a failure “to prosecute his or her case” on the part of Complainant, thereby requiring dismissal of the complaint with prejudice.

Discussion

The Commission frequently dismisses cases because the complainant failed to diligently prosecute the matter, often without even taking the earliest steps along the procedural path, such as engaging in the discovery process in good faith. It is a fundamental principle governing practice before this Commission that it is the singular responsibility of the complainants to diligently pursue disposition of the cases once they are docketed with the Commission. In this case, it has been nearly three years since the case was filed here and no progress has been made toward disposition of the case on the merits. Although Complainant asserts that “the lawyer for the Bd. of Ed. violates the Supreme Court rules regarding lawyers dealing with unrepresented complainants,” he cites no examples of any alleged such instances. It appears that the onus for his lack of prosecution must be placed squarely on Complainant’s own shoulders.

Because of the passage of time with no effective action on the part of Complainant, it is recommended that this case now be dismissed because of the failure of Complainant to prosecute his case and his present inability to do so.

Recommendation

It is recommended that this case be dismissed with prejudice pursuant to the authority granted to the Commission in the Illinois Human Rights Act at 775 ILCS 5/8A-102(I)(6).

ENTERED:

May 23, 2001

BY: _____

DAVID J. BRENT
ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION