



This Recommended Order and Decision became the Order and Decision of the Illinois Human Rights Commission on 10/07/04.

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF:)	
)	
PATRICIA FEDRICK,)	
)	
Complainant,)	
)	Charge No.: 2001CN1761
and)	EEOC No.: N/A
)	ALS No.: 12072
MOYER HOME IMPROVEMENTS, INC.,)	
)	
Respondent.)	

RECOMMENDED ORDER AND DECISION

On April 23, 2003, a three-member panel of the Human Rights Commission entered an order finding Respondent in default and referring this matter to the Administrative Law Section for a hearing on Complainant's damages. Despite being properly served with notice of that hearing, neither party appeared at the appointed time. No motions of any kind have been filed by either party. The matter is ready for decision.

FINDINGS OF FACT

The following facts were derived from the record file in this matter.

1. On April 23, 2003, a three-member panel of the Human Rights Commission entered an order finding Respondent in default. That order was served upon both parties by mail. The mailed orders were not returned.

2. On May 20, 2003, Administrative Law Judge Michael Evans

entered an order that scheduled a hearing on Complainant's damages for June 25, 2003. That order was served upon both parties by mail. The mailed orders were not returned.

3. Neither party appeared at the hearing on damages scheduled for June 25, 2003. Neither party filed a motion to continue the hearing.

CONCLUSIONS OF LAW

1. As a result of the default entered against Respondent, there are no liability issues to address.

2. Because of her failure to appear at the hearing on damages, Complainant has abandoned any claim to any such damages.

DISCUSSION

On April 23, 2003, a panel of the Human Rights Commission entered an order of default against Respondent, Moyer Home Improvements, Inc. As a result of that order, there are no liability issues to address. Only damages issues remain to be determined.

On May 20, 2003, an order was entered which scheduled a hearing on damages for June 25, 2003. A copy of that order was served upon the parties by first class mail. The mailed orders were not returned.

Neither party appeared at the appointed date and time for the damages hearing. Neither party filed a motion to continue the hearing. Complainant has not contacted this office to explain her failure to appear.

It appears that, despite the default order entered against Respondent, Complainant has abandoned her claim. In such a situation, it is appropriate to allow the default finding to stand, but to deny Complainant any damages. **Roscoe and Sudden Service Mounting and Finishing**, ___ Ill. HRC Rep. ___, (1991CF2070, June 10, 1994); **Butt and Early Years, Inc.**, ___ Ill. HRC Rep. ___, (1989CF2543, April 23, 1994).

RECOMMENDATION

Based upon the foregoing, by her failure to appear to prove her damages, Complainant has abandoned her claim to such damages. Because a default order has already been issued against Respondent, it is recommended that the default order stand, but that an order be entered stating that Complainant has not proven any damages.

HUMAN RIGHTS COMMISSION

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

ENTERED: August 29, 2003