This Recommended Order and Decision became the Order and Decision of the Illinois Human Rights Commission on 2/14/02.

STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

IN THE MATTER OF:	)	
	)	
GEORGE DAVID CHICK,	)	
	)	
Complainant,	)	
	)	
and	)	CHARGE NO: 1999SA0312
	)	EEOC NO: 21B990534
AMERICAN COAL COMPANY,	)	ALS NO: S-11240
	)	
Respondent.	)	

RECOMMENDED ORDER AND DECISION

This matter comes to me on review of the file. On June 16, 2000 an Order was issued requiring Complainant to file an intent to proceed with his case on or before February 9, 2000. Complainant did not respond or comply with the Order. Again on April 13, 2001 an Order was issued requiring Complainant to file his intent to proceed with the prosecution of his case. The order also contained a warning to Complainant that his case against Respondent may be dismissed with prejudice if he failed to respond or comply with the Order. To date, Complainant has not complied with the Order or requested additional time to do so.

Findings of Fact

1. On December 21,1998, Complainant filed a charge of discrimination against Respondent with Illinois Department of Human Rights (Department).

2. On April 18, 2000, the Department filed a Complaint of Civil Rights Violation on Complainant's behalf alleging the Complainant was aggrieved by practices of age discrimination, prohibited by section 2-102(A) of the Illinois Human Rights Act.

3. On May 22, 2000, Respondent timely filed an Answer to the Complaint.

4. On June 16, 2000, Administrative Law Judge Michael R. Robinson issued an Order that required Complainant to file a prehearing memorandum on or before February 9, 2001.

5. The June 16, 2000 Order also provided if Complainant was not represented by counsel then he had to file an intent to proceed with his case on or before February 9, 2001.

6. On July 6, 2000, Complainant's attorney withdrew from the case and Complainant did not obtain alternate counsel.

7. Complainant did not file an intent to proceed on or before February 9, 2001 as ordered by Judge Robinson.

8. On April 13, 2001, Judge Robinson issued another Order that directed Complainant to file a statement of intent to proceed with his case against Respondent. The Order warned complainant that failure to follow the second Order could lead to dismissal of his case.

9. Again Complainant did not comply with the April 13, 2001 Order or request additional time to respond.

10. Complainant has not contacted the Commission or Respondent in over sixteen months and has failed to file the required statement of intent to proceed with his case.

Conclusions of Law

1. Complainant and Respondent are both subject to the Illinois Human Rights Act and to the Jurisdiction of the Illinois Human Rights Commission.

2. A complaint may be dismissed when a party fails to comply with orders, fails to appear for hearings, or otherwise protracts and impedes the prosecution of his or her case.

Determination

The Complaint and underlying Charge of discrimination should be dismissed with prejudice for Complainant's unreasonable delay and failure to prosecute this matter.

Discussion

The procedural rules of the Illinois Human Rights Commission authorize the Commission to dismiss a case where a Complainant fails to comply with orders, fails to appear for hearings, or otherwise protracts and impedes the prosecution of his or her case. *56 Ill. Admin. Code, ch. XI, § 5300.750(e).*

In this case it is clear that Complainant has protracted the prosecution of his case. Two Orders were issued to Complainant on June 16, 2000 and April 13, 2001 seeking his confirmation of his intent to proceed with his case. Complainant received notification in the second order that

he could not continue to ignore Orders requiring to confirm his intent to proceed. However, despite two opportunities to apprise the Commission of his intent to prosecute his case and a warning of impending dismissal, Complainant has not contacted the Commission in over sixteen months. Under these circumstances, it is apparent Complainant has no interest in pursuing his claim against Respondent and that a dismissal is now warranted.

Recommendation

Based on the findings of fact and conclusions of law, I recommend that the Complaint of George David Chick v. American Coal Company and the underlying Charge number 1999SA0312 be dismissed with prejudice due to Complainant's failure to prosecute his claim.

ILLINOIS HUMAN RIGHTS COMMISSION

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KELLI L. GIDCUMB
Administrative Law Judge
Administrative Law Section

ENTERED THIS 4th DAY OF JANUARY, 2002.