

City of Chicago
Commission on Human Relations
510 N. Peshtigo Ct., 6th Floor
Chicago, IL 60611
(312) 744-4111 [voice]/(312)/744-1088 [TTY]

IN THE MATTER OF)	
Tarria White,)	
)	
COMPLAINANT,)	
AND)	Case No. 95-E-213
)	
Guernsey Dell Company)	
)	
RESPONDENT.)	

TO:

Tarria White
1144 North Mason Avenue
Chicago, IL 60651
(by certified mail/return
receipt requested and by first-
class mail)

Gregory R. James, Jr.
Lanier, Muchin et al
515 North State Street
Suite 2800
Chicago, IL 60610-4324
(by telefax and first-class
mail)

Issued: **January 29, 1997**
P.O. Box 4493
Skokie, Illinois
60076-4493

ORDER

On October 2, 1996, I issued a scheduling Order requiring the parties to file a pre-hearing memorandum by December 6, 1996 and setting a pre-hearing conference for December 13, 1996. The October 2 Order was mailed to Complainant, by certified mail/return receipt requested, to the address Complainant provided the Commission when she filed her October 10, 1995 Complaint; e.g., 221 North Central, #402, Chicago, IL 60644. In late October, 1996, the envelope addressed to Complainant was returned to me as "unclaimed" by the U.S. Postal Service. At that point, I mailed a duplicate copy of the October 2 Order to Complainant by regular U.S. Mail to the North Central address.

Complainant did not file a pre-hearing memorandum and did not attend the December 13, 1996 pre-hearing conference.

At the December 13, 1996 pre-hearing conference, Respondent made an oral motion to dismiss the Complaint. The basis for that motion was as follows: (1) that Complainant did not attend the scheduled December 13, 1996 pre-hearing conference; (2) that Complainant did not file and serve a pre-hearing memorandum as required by the October 2 Order; and (3) that Complainant did not notify the Commission that she no longer lived at the address with which she provided the Commission and did not provide the Commission with her new address.

On December 13, 1996, after the pre-hearing conference was concluded, Respondent's attorney informed me by letter that Complainant had filed a change-of-address order with the U.S. Postal Service, and that her new address was 1144 North Mason Avenue, Chicago, Illinois 60651. I subsequently confirmed this change-of-address order with postal officials at the Austin and Division Street Post Offices in Chicago, Illinois.

On December 17, 1996, I issued an Order requiring Complainant to:

explain, by means of a letter to the Hearing Officer, (1) why she did not file her pre-hearing memorandum, (2) why she did not attend the December 13, 1996 pre-hearing conference, and (3) why she did not inform the Commission that she no longer lived at 221 North Central, #402 and that she had a new address. In this letter, Complainant is to also explain why the Hearing Officer should not impose a sanction (up to and including dismissal of the Complaint) for this conduct.

(December 17, 1996 Order, pages 4, 5).¹

Complainant's explanation was due to be postmarked no later than January 10, 1997.

The December 17 Order was mailed to Complainant on that date by certified mail/return receipt requested, and was addressed to her at 1144 North Mason Avenue, Chicago, Illinois 60651. In addition, a copy of that Order was mailed by first-class mail to Complainant at that address on December 17. On December 30, 1996, another copy of the December 17 Order was mailed by first-class mail to Complainant at 221 North Central, #402, Chicago, IL 60644, so that it would be forwarded to Complainant at 1144 North Mason Avenue.

¹ The December 17, 1996 Order identified and referenced the sections of the Commission's Regulations on which Respondent's Motion was based; e.g., Reg. 240.120 (mandating parties' attendance at pre-hearing conference), Reg. 235.120(b) (requiring parties to comply with Hearing Officer orders) and Reg. 235.110 (requiring Complainant to provide the Commission with notice of any change of address).

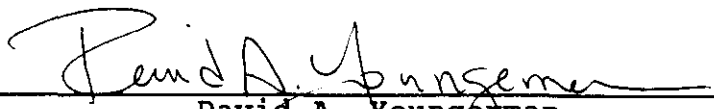
On January 27, 1997, the certified mail/return receipt requested copy of the December 17 Order sent to Complainant was returned to me as "unclaimed." Notations on the envelope indicate that on December 20 and December 26, 1996, postal employees left notices for Complainant to claim the envelope.

To date, I have received no communication from Complainant in response to the December 17 Order.

As noted, Complainant has failed to advise the Commission of the change in her address. Complainant was notified by the December 17 Order that she was to "explain why the Hearing Officer should not impose a sanction (up to and including dismissal of the Complaint) for this conduct." To date, she has provided no such explanation to the Hearing Officer.

Reg. 235.110 provides that "Complainant has the responsibility to promptly provide the Commission with notice of any change in address or any prolonged absence from a current address so that he or she can be located when necessary at any time while the Complainant's case is pending before the Commission Failure to cooperate with the Commission's procedures may lead to the dismissal of the Complainant's case."

In light of the foregoing, **IT IS HEREBY ORDERED** that the Complaint in this matter is dismissed in its entirety and with prejudice.²

by: 
David A. Youngerman
Hearing Officer

for: Chicago Commission on Human Relations

² Since I am dismissing the Complaint for Complainant's failure to provide her new address to the Commission, it is not necessary to reach Respondent's other arguments for dismissal.