

**COOK COUNTY COMMISSION ON HUMAN RIGHTS**

69 West Washington, Suite 3040

Chicago, Illinois 60602

---

Dawn AUSTIN, Complainant )

v. )

SEARS, ROEBUCK & CO.,<sup>1</sup> Respondent )

Case No. 2010PA001

Entered: February 5, 2014

---

**ORDER**

---

On December 21, 2009, Complainant Dawn Austin (“Austin”) filed a complaint against Respondent Sears, Roebuck & Co. (“Sears”), for allegedly discriminating in the full use of her enjoyment of a public accommodation on the basis of her race in violation of the Cook County Human Rights Ordinance (“Human Rights Ordinance”). The Cook County Commission on Human Rights (“Commission”) has not yet made an evidence determination with respect to this matter, but on October 7, 2013, Austin represented to Commission staff that she wished to withdraw her complaint. To effect Austin’s wishes, Commission staff mailed her a Withdrawal Request Form on October 22, 2013. When Austin did not execute the Withdrawal Request Form, Commission staff mailed Austin another Withdrawal Request Form on November 19, 2013. Austin did not execute this Withdrawal Request Form either, but on December 11, 2013, Austin informed Commission staff that she had received the Withdrawal Request Forms that had been mailed to her, still intended to withdraw and execute and return those Withdrawal Request Forms at her nearest convenience.

The Commission’s Procedural Rules state that “[a] Complainant may request to withdraw a Complaint or any part thereof at any time prior to an Evidence Determination by the Commission.” CCHR Pro. R. 480.160. If the request is knowingly and voluntarily made, the Commission approves the request and enters an order dismissing the complaint. *Id.* The Commission’s Procedural Rules typically require that a complainant’s request to withdraw be in writing and signed by the complainant or his or her attorney of record, *see id.*, however, the Commission waives this requirement of a written withdrawal in cases where a complainant confirms his or her oral representation of a desire to withdrawal with a voluntary action. *See, e.g., Carter v. Cook County Sheriff’s Office*, 2011E020 (CCHRC Oct. 21, 2013); *Mallette v. Cook County Health & Hospitals System*, 2012E012 (CCHRC Jan. 6, 2014).

---

<sup>1</sup> The respondent in this matter, as filed, was “Lands’ End at Sears,” a counter for a clothing line owned by Sears Holdings Corp. located within a Sears, Roebuck & Co. retail location in the Orland Park Mall. The Commission has substituted the correct respondent.

Here, Commission staff advised Austin that if she did not return the written Withdrawal Request Form by December 26, 2013, her complaint would be dismissed based on her oral statement. December 26, 2013 has come and gone, as such, the Commission presumes from the combination of Austin's repeated oral statements and her actions since, that she has made a knowing and voluntary request to withdraw her complaint which should be granted pursuant to the Commission's Procedural Rules.

For the foregoing reasons, the Commission hereby grants Austin's request to withdraw her complaint and orders that complaint 2010PA001 be DISMISSED pursuant to a VOLUNTARY WITHDRAWAL.

February 5, 2014

By delegation:

A handwritten signature in black ink, appearing to read 'R. Hakim', is written over a horizontal line.

Ranjit Hakim  
Executive Director of the Cook County  
Commission on Human Rights