

COOK COUNTY COMMISSION ON HUMAN RIGHTS
69 West Washington Street, Suite 3040
Chicago, Illinois 60602

Marc BABICZ, Complainant)	
)	
v.)	Case No. 2015E008
)	
SCI ILLINOIS SERVICES, INC.,)	Entered: April 5, 2016
Respondent)	

ORDER OF DISMISSAL

On May 19, 2015, Complainant Marc Babicz (“Babicz”) filed a complaint against Respondent SCI Illinois Services, Inc. (“SCI”) alleging retaliation in violation of the Cook County Human Rights Ordinance (“Human Rights Ordinance”). The Cook County Commission on Human Rights (“Commission”) opened an investigation and has not yet made a determination of whether there is sufficient evidence to support Babicz’s claim, but on March 15, 2016, Babicz orally represented to Commission staff that he wished to withdraw his complaint.

The Commission’s Procedural Rules state that “[a] Complainant may request to withdraw a Complaint or any part thereof at any time.” CCHR Pro. R. 420.160. 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 has waived this requirement where the conduct of the complainant is such that the Commission is satisfied that the oral request to withdraw is knowingly and voluntarily made. *See, e.g., Austin v. Sears, Roebuck & Co.*, 2010PA001 (CCHRC Feb. 5, 2014); *Carter v. Cook County Sheriff’s Office*, 2011E020 (CCHRC Oct. 21, 2013); *Mallette v. Cook County Health & Hospitals System*, 2012E012 (CCHRC Jan. 6, 2014).

Here, on March 15, 2016, Babicz told the Commission investigator assigned to this matter that he wanted to withdraw his complaint. The investigator provided Babicz with a blank withdrawal request form via email that same day. On March 22, 2015, the investigator sent Babicz an email stating, “We haven’t received your signed withdrawal form. Feel free to scan and send it to me via email. Also, if you have changed your mind about withdrawing, please let me know.” In response, Babicz sent a March 22, 2015 email to the investigator reasserting his desire to withdraw: “Sorry John. Completely forgot. Will scan and send tomorrow.”

Although Babicz did not subsequently scan and send the withdrawal form as indicated in his email, Babicz’s aforementioned March 15 and March 22, 2016, representations that he wanted to withdraw satisfy the Commission that his decision to withdraw is knowing and

voluntary, even in the absence of the execution of the standardized form that the Commission typically uses for this purpose.

For the foregoing reasons, the Commission hereby grants Babicz's request to withdraw his complaint and orders that Complaint No. 2015E008 be DISMISSED pursuant to a VOLUNTARY WITHDRAWAL.

April 5, 2016

By delegation:

A handwritten signature in black ink, appearing to read 'Ranjit Hakim', with a horizontal line extending to the right.

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