

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

Samantha MIGLIERI, Complainant)	
)	
v.)	Case No. 2015E004
)	
ABRAHAM P. MATHEW, Respondent)	Entered: April 14, 2015
)	

ORDER

On January 26, 2015, Complainant Samantha Miglieri (“Miglieri”) filed a complaint against her former employer, Respondent Abraham P. Mathew, MD (“Mathew”), alleging unlawful sex discrimination, sexual harassment and retaliation by Mathew. Such an allegation, if proven to be true, would violate the Cook County Human Rights Ordinance (“Human Rights Ordinance”), codified at Sections 42-35(b) and 42-41(a) of the Cook County Code of Ordinances (“County Code”). The Cook County Commission on Human Rights (“Commission”), however, has been unable to investigate Miglieri’s allegations, in part, due to her failure to cooperate with its investigation.

Pursuant to the Commission’s Procedural Rules:

Complainants and Respondents have the responsibility to promptly provide the Commission with notice of any change in address or any prolonged absence from their current address so that they can be located when necessary at any time while a Complaint is pending before the Commission. In addition, *Complainants and Respondents are responsible for providing the Commission with necessary information* and being available for interviews and conferences upon reasonable notice or request by the Commission. If a Complainant does not adequately respond to reasonable requests by the Commission, the Commission may dismiss the Complaint or default the Respondent at their last known addresses.

CCHR Pro. R. 440.125 (emphasis supplied).

Here, Miglieri produced a series of text message exchanges between herself and Mathew to the Commission as evidence of her claims. Sender and receiver information, however, was not clear from the face of the documents and the documents were not produced in chronological order so that it was very difficult to piece together conversations over the course of several pages. On March 16, 2015, the investigator assigned to Miglieri’s complaint by the Commission contacted her legal representative to request the dates of each text message previously submitted.

The investigator also requested that Miglieri's legal representative provide the Commission with the dates of Miglieri's employment by the Respondent and the date, context and additional details related to alleged sexual advances by Mathew.

In response, Miglieri's legal representative asked the Commission's investigator for "better clarification" in a March 24, 2015 email before Miglieri would respond to the Commission's requests. On March 30, 2015, the Commission's investigator reasserted her request for the dates of the text messages submitted, and repeating the request for dates, context and details about Miglieri's assertion in her complaint that "Dr. Mathew made unwanted sexual advances against me and attempted to kiss me." The Commission investigator reminded Miglieri (through her legal representative) of her duty to cooperate with the Commission's information requests and set Friday, April 3, 2015 as the deadline by which Miglieri would submit this additional evidence.

Miglieri did not respond by April 3, 2015. On April 7, 2015, Commission staff contacted her legal representative by telephone. Miglieri's counsel once again professed to needing clarification on the Commission's request for dates on the text messages that her client was relying on to form the basis of her claim as well as to be able to provide any more detail about Mathew's alleged sexual advances other than the bare assertion that such advances occurred at some unspecified time and at some unspecified place in the complaint. Nonetheless, the Commission reasserted its request for a third time to complainant's legal representative in both a telephone conversation and a follow up email that same day. The Commission investigator set a new deadline for responses of Monday, April 13, 2015, but warned that this would be the final extension before Miglieri's complaint would be dismissed for failure to cooperate.

Although, Miglieri's legal representative indicated that she understood on April 7, 2013, this final deadline has passed without further communication from the complainant or her representative. The Commission's practice, in circumstances such as this, is to dismiss the complaint and close its investigation. *See, e.g., Hermanstyne v. Ver Petro, Inc.*, 2006PA003 (CCHRC May 13, 2014); *Cope v. Chicago Apartment Finders*, 2007E070 (CCHRC June 3, 2014); *Panozzo v. DelMar Builders*, 2010E048 (CCHRC Jan. 13, 2014); *Jenkins v. Staffing Network Holding, LLC*, 2012E001 (CCHRC Jan. 13, 2014). Doing so frees scarce public resources for the Commission to work with complainants who are more interested and able to pursue their claims. It also reduces the risk that unmerited delay by a complainant is a bad faith attempt to use the Commission process to injure a respondent.

For the foregoing reasons, the Commission orders that complaint 2015E004 be DISMISSED for FAILURE TO COOPERATE. In accordance with CCHR Pro. R. 480.100(A), either party may file a request for reconsideration with the Commission within 30 days of the date of this order.

April 14, 2015

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