

COOK COUNTY COMMISSION ON HUMAN RIGHTS

69 West Washington Street, Suite 3040
Chicago, Illinois 60602

Paula PERKINS, Complainant)

v.)

COOK COUNTY,¹ Respondent)

Case No. 2007E020

Entered: May 29, 2014

ORDER

On March 16, 2007, Complainant Paula Perkins (“Perkins”) filed a complaint against her former employer, Respondent Cook County (“Cook County”), for allegedly terminating her on the basis of her disability in violation of the Cook County Human Rights Ordinance (“Human Rights Ordinance”). On March 28, 2012, the Cook County Commission on Human Rights (“Commission”) concluded its investigation and found substantial evidence of unlawful discrimination. The Commission ordered that this matter be set for an administrative hearing on the merits Perkins’s charge. Perkins, however, did not participate in the hearing process. After she failed to appear at a November 15, 2012 status hearing and to comply with various discovery-related orders thereafter, Cook County, on February 1, 2013, moved to dismiss Perkins’s complaint on the basis of her failure to cooperate. On February 5, 2013, Perkins contacted the Commission to make an oral request to withdraw her complaint. The Commission staff provided Perkins with a written form to memorialize her oral request, but to date, Perkins has yet to complete this form and file it with the Commission.

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 waives this requirement of a written request in cases, such as this, where a complainant’s conduct confirms his or her oral representation of a desire to withdrawal. *See, e.g., Uzokwe v. Historic Manor Condominium, et al.*, 2006H008 (CCHRC March 27, 2014) (oral request to withdraw made to legal counsel for Commission and then followed by three-and-a-half years without any further contact or communication from the complainant); *Lynch v. Sysco Food Services – Chicago, Inc.*, 2010E032 (March 27, 2014) (oral request followed by non-participation in further hearing dates and activities); *Rodriguez v. Fantastic Sam’s*, 2008E043 (CCHRC Feb. 21, 2014) (complainant represented to hearing officer

¹ The original complaint in this matter was filed against “Cook County Contract Compliance.” The Commission has substituted “Cook County” as the correct party.

that she wanted to withdraw and then ceased participating in any additional Commission proceedings).

Here, the Hearing Officer assigned to the Perkins's matter issued a proposed initial decision granting Cook County's request to dismiss Perkins's complaint for non-cooperation on February 27, 2013. Not only did Perkins fails to submit an exception to this proposed order as required within 14 days, but Perkins has not contacted the Commission in over fifteen months to withdraw her February 6, 2013 oral request to withdraw her complaint. From this conduct, the Commission can presume that Perkins is making a knowing and voluntary request to withdraw her complaint.

For the foregoing reasons, the Commission hereby grants Perkins's oral request to withdraw her complaint and orders that complaint 2007E020 be DISMISSED pursuant to a VOLUNTARY WITHDRAWAL.

May 29, 2014

By delegation:



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