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

Norisibet RODRIGUEZ, Complainant	)	
	)	Case No. 2008E043
v.	)	
	)	Entered: February 21, 2014
FANTASTIC SAM'S, Respondent	)	

ORDER

On August 25, 2008, Complainant Norisibet Rodriguez ("Rodriguez") filed a complaint against Respondent Fantastic Sam's ("Fantastic Sam's") for employment discrimination on the basis of national origin in violation of the Cook County Human Rights Ordinance ("Human Rights Ordinance"). On June 8, 2010, the Cook County Commission on Human Rights ("Commission") entered an order finding substantial evidence of violations of Sections 42-35 and 42-41 of the Human Rights Ordinance. The matter was set for conciliation in late 2010 and, when that failed, for further hearing.

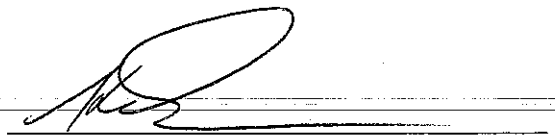
After a status hearing in March 2011, Hearing Officer Robert Cohen informed the Commission that Rodriguez intended to withdraw her complaint. Hearing Officer Cohen advised Rodriguez to submit a Withdrawal Request Form. Rodriguez did not do so, but she did stop participating in any of Hearing Officer Cohen's subsequent hearings or status dates. On March 25, 2013, Rodriguez contacted the Commission staff and informed Legal Counsel Frank Gardner that she still wished to withdraw her complaint. Again Commission staff provided Rodriguez with a Withdrawal Request Form and informed her that if the requested form was not returned to the Commission by June 25, 2013, the complaint would be dismissed on the basis of Rodriguez's oral representations. Both Commission staff and Hearing Officer Cohen have confirmed that Rodriguez has not submitted a written Withdrawal Request Form but also has not participated in any subsequent hearings or other activities related to this matter.

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* CCHR Pro. R. 480.160, however, the Commission has waived the requirement of a written withdrawal in cases, such as this, where a complainant's actions confirm his or her oral representation of a desire to withdraw his or her complaint. *See, e.g.*, *Carter v. Cook County Sheriff's Office*, 2011E020 (CCHRC Oct. 21, 2013) (dismissal for voluntary withdrawal on the basis of an oral representation); *Gomez v. Stern Pinball, Inc.*, 2011E005 (CCHRC Apr. 6, 2011) (dismissal for failure to cooperate). Here, the Commission presumes from the combination of Rodriguez's repeated oral statements and her nonparticipation in any subsequent proceedings held by Hearing Officer Cohen that Rodriguez has made a knowing and voluntary request to withdraw her complaint.

For the foregoing reasons, the Commission hereby grants Rodriguez's request to withdraw her complaint and orders that complaint 2008E043 be DISMISSED pursuant to a VOLUNTARY WITHDRAWAL.

February 21, 2014

COOK COUNTY COMMISSION ON HUMAN RIGHTS:



Kenneth A. Gunn,
Chairperson