

COOK COUNTY COMMISSION ON HUMAN RIGHTS

69 West Washington Street, Suite 3040
Chicago, Illinois 60602

Evelyn VARGAS, Complainant)

v.)

MIDWEST MEDICAL RECORDS)
ASSOCIATION, Respondent)

Case No. 2013E018

Entered: March 24, 2014

ORDER

On June 25, 2013, Complainant Evelyn Vargas (“Vargas”) filed a complaint against her former employer, Respondent Midwest Medical Records Association, for race and age-based employment discrimination 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 March 10, 2014, Vargas represented to Commission staff that she wished to withdraw her complaint. To effect Vargas’s wishes, Commission staff mailed her a Withdrawal Request Form the same day. Commission staff advised Vargas in a letter accompanying this form that if she did not execute and return the form (or contact the Commission to rescind her request) by March 21, 2014, her complaint would be dismissed on the basis of her oral representation.

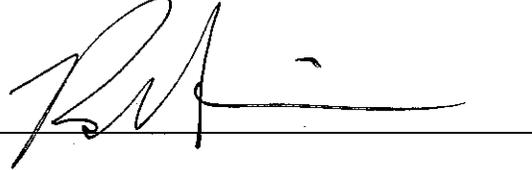
The Commission’s Procedural Rules state that “[a] Complainant may request to withdraw a Complaint or any part thereof at any time.” CCHR Pro. R. 480.160. If the request is knowingly and voluntarily made, the Commission approves the request and enters an order dismissing the complaint. *Id.* The Commission’s 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 withdraw with a voluntary action. *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, Commission staff advised Vargas that if she did not return the written Withdrawal Request Form by March 21, 2014, her complaint would be dismissed based on her oral statement. March 21, 2014 has passed without any contact from Vargas, and, as such, the Commission presumes from the combination of Vargas’s 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 Vargas's request to withdraw her complaint and orders that complaint 2013E018 be DISMISSED pursuant to a VOLUNTARY WITHDRAWAL.

March 24, 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