

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST )	
FOR REVIEW BY: )	CHARGE NO.: <b>2010SF0590</b>
)	EEOC NO.: <b>21BA93201</b>
<b>MOUSHIN J. AZAGRAR,</b> )	ALS NO.: <b>11-0504</b>
)	
)	
Petitioner. )	

**ORDER**

This matter coming before the Commission by a panel of three, Commissioners Diane M. Viverito<sup>1</sup>, David J. Walsh<sup>2</sup> and Chairman Martin R. Castro<sup>3</sup>,, presiding, upon Moushin J. Azagarar’s (“Petitioner”) Request for Review (“Request”) of the Notice of Dismissal issued by the Department of Human Rights (“Respondent”)<sup>4</sup> of Charge No. 2010SF0590; and the Commission having reviewed all pleadings filed in accordance with 56 Ill. Admin. Code, Ch. XI, Subpt. D, § 5300.400, and the Commission being fully advised upon the premises;

NOW, THEREFORE, it is hereby **ORDERED** that the Respondent’s dismissal of the Petitioner’s charge is **SUSTAINED** on the following ground:

**EXPIRATION OF TIME TO INVESTIGATE THE CHARGE**

In support of which determination the Commission states the following findings of fact and reasons:

1. On July 2, 2009, the Petitioner filed an unperfected charge of discrimination with the Respondent, which was perfected on August 28, 2009. The Petitioner alleged the University of Illinois Veterinary Medicine (“University”) denied him admittance into the University’s Veterinary Equine/Surgery internship program because of his national origin, Morocco (Count A), and citizenship status, non-USA (Count B), and in retaliation for filing a previous charge of discrimination (Count C), in

---

<sup>1</sup> This Order is in accordance with a vote cast by Commissioner Viverito prior to the expiration of her term.

<sup>2</sup> This Order is in accordance with a vote cast by Commissioner Walsh prior to the expiration of his term.

<sup>3</sup> This Order is in accordance with a vote cast by Chairman Castro prior to the expiration of his term.

<sup>4</sup> In a Request for Review Proceeding, the Illinois Department of Human Rights is the “Respondent.” The party to the underlying charge who is requesting review of the Department’s action shall be referred to as the “Petitioner.”

violation of Sections 2-102(A) and 6-101(A) of the Illinois Human Rights Act (“Act”). On April 15, 2010, the Respondent dismissed Petitioner's charge for Lack of Substantial Evidence. On May 19, 2010, the Petitioner filed a timely Request for Review. On June 23, 2010, the Respondent filed its Response to Request for Review, recommending that the Commission vacate the its dismissal of the Petitioner’s charge and remand the charge to the Respondent for further investigation and other proceedings. On June 28, 2010, the Commission entered an order vacating the Respondent's dismissal of the Petitioner's charge and remanding the charge to the Respondent for further investigation and other proceedings. On September 2, 2010, the Respondent again dismissed the Petitioner's charge for Lack of Substantial Evidence. On October 4, 2010, the Petitioner filed a timely Request for Review. On November 10, 2010, the Respondent filed its Response to Request for Review, recommending that the Commission vacate the Respondent's dismissal of the Petitioner’s charge and remand the charge to the Respondent for further investigation and other proceedings. On November 22, 2010, the Commission entered an order vacating the Respondent's dismissal of the Petitioner's charge and remanding the charge to the Respondent for further investigation and other proceedings. On January 31, 2011 , the Respondent again dismissed the Petitioner's charge for Lack of Substantial Evidence. On March 3, 2011, the Petitioner filed a timely Request for Review. On April 2, 2011, the Respondent filed its Response to Request for Review, recommending that the Commission vacate the dismissal of the Petitioner's charge and remand the charge to the Respondent for further investigation and other proceedings. On April 18, 2011, the Commission entered an order vacating the Respondent's dismissal of the Petitioner's charge and remanding the charge to the Respondent for further investigation and other proceedings. On July 6, 2011, the Respondent dismissed the Petitioner's charge Due To The Filing Of A Complaint With The Commission. On August 1, 2011, Petitioner filed this timely Request for Review

2. The Petitioner applied for an internship with the University.
3. In Counts A and B, the Petitioner alleged that on March 2, 2009, he was denied admittance to the University’s veterinary equine/surgery internship program. The Petitioner alleged his qualifications are comparable to those applicant's whose citizen status is USA and they were hired. Additionally the Petitioner alleged no reason was given for denying him the internship.
4. In Counts C, the Petitioner alleged that he filed the perfected charge of civil rights violation with the Respondent in December 2007 under charge number

2007CF3729. The Petitioner alleged that on March 2, 2009, he was denied admittance to the University's veterinary equine/surgery internship program. The Petitioner further alleged that the denial of admission to University's veterinary equine/surgery internship program followed his formal charge within such period of time as to raise the inference of retaliatory motivation.

5. The statutory 365-day time period for the Respondent to complete the investigation of the Petitioner's charge expired on April 18, 2011 and Petitioner's 90-day window to file a complaint with the Commission commenced on April 19, 2011, and ended on July 17, 2011.
6. On May 12, 2011, the Respondent sent the Petitioner a letter, notifying him that his charge had expired on April 18, 2011, and that the 90-day window to file his complaint with the Commission was April 19, 2011, through July 17, 2011. The letter of May 12, 2011, further explained to the Petitioner that if he did not file a complaint with the Commission or commence a civil action in the appropriate state circuit court during the 90-day period, his charge would be dismissed without any further right to proceed.
7. On June 28, 2011, the Respondent received a copy of the Petitioner's Complaint. However, the Complaint was not filed stamped by the Commission.
8. In his Request for Review, the Petitioner argues that the Respondent failed to investigate his charge properly. The Petitioner further argues the Respondent failed to obtain consent from the parties for an extension of time to investigate the charge as it did in the Petitioner's other charges of discrimination with the Respondent.
9. In its response, the Respondent asks the Commission to sustain the dismissal of the Petitioner's charge due to the filing of a Complaint with the Commission.

### **Conclusion**

The Commission's review of the Respondent's response leads it to conclude that the Respondent properly dismissed the Petitioner's charge. The Respondent must dismiss the charge when the Respondent's time period to investigate the charge expires and the Complaint files a Complaint with the Illinois Human Rights Commission. 775 ILCS 5/7A-102(G)(1), (3) (West 2010).

The Respondent's statutory 365-Day time period to complete the investigation of the Petitioner's charge expired on April 18, 2011. Therefore, the Petitioner's 90-day window to file a Complaint directly with the Commission commenced on April 19, 2011, and ended on July 17, 2011. Section 7A-102(G)(1) of the Act requires the Respondent, within 365 days of the date a charge has been properly filed, or within any extension of that time period agreed to in writing by the parties, to issue its report. See 775 ILCS 5/7A-102(G)(1) . If the Respondent has not issued its report within said time period, a 90-day window opens for the Petitioner to file a complaint with the Commission or commence a civil action in the appropriate circuit court. Additionally, pursuant to Section 7A-102(G)(2) of the Act, if the Petitioner files a Complaint with the Commission or commences a civil action in circuit, the Respondent is required to immediately cease its investigation and dismiss the charge. See 775 ILCS 5/7A-102(G)(2), (3).

Accordingly, it is the Commission's decision that the Petitioner has not presented any evidence to show the Respondent's dismissal of his charge was not in accordance with the Act. The Petitioner's Request is not persuasive.

**THEREFORE, IT IS HEREBY ORDERED THAT:**

The dismissal of Petitioner's charge is hereby **SUSTAINED**.

This is a final Order. A final Order may be appealed to the Appellate Court by filing a petition for review, naming the Illinois Human Rights Commission, the Illinois Department of Human Rights, and University of Illinois Veterinary Medicine, as respondents, with the Clerk of the Appellate Court within 35 days after the date of service of this order.

**STATE OF ILLINOIS**                    )  
  )  
**HUMAN RIGHTS COMMISSION**    )

**Entered this 4<sup>th</sup> day of December 2018.**

Commissioner Diane M. Viverito

Commissioner David J. Walsh

Chairman Martin R. Castro