

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST )	
FOR REVIEW BY: )	CHARGE NO.: <b>2010SA2909</b>
)	EEOC NO.: <b>21BA01503</b>
<b>WALTER KRYSZAK,</b> )	ALS NO.: <b>12-0183</b>
)	
)	
Petitioner. )	

**ORDER**

This This matter coming before the Commission by a panel of three, Commissioners David Chang<sup>1</sup>, Robert A. Cantone, and Lauren Beth Gash<sup>2</sup> presiding, upon Walter Kryszak's ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Department of Human Rights ("Respondent")<sup>3</sup> of Charge No. 2010SA2909; and the Commission having reviewed *de novo* the Respondent's investigation file, including the Investigation Report and the Petitioner's Request, and the Respondent's response to the Petitioner's Request 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 Notice of Dismissal is **SUSTAINED** on the following ground:

**EXPIRATION OF TIME TO INVESTIGATE PETITIONER'S CHARGE**

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

**A. PROCEDURAL HISTORY**

1. On March 23, 2010, the Petitioner filed a charge of discrimination with the Respondent. The Petitioner alleged Illinois Central College ("ICC") discharged him due to his age and sex, in violation of Section 2-102(A) of the Illinois Human Rights Act ("Act").
2. On January 6, 2012, the Respondent dismissed the Petitioner's charge due to expiration of time to investigate the Complainant's charge.
3. On January 11, 2012, the Petitioner filed a timely Request. On May 3, 2012, the Respondent filed its Response.

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

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

<sup>3</sup> In a Request for Review Proceeding, the Illinois Department of Human Rights is the "Respondent." The party to the underlying charge requesting review of the Department's action shall be referred to as the "Petitioner."

## **B. FACTUAL HISTORY, ALLEGATIONS, & ARGUMENTS**

1. On January 6, 2011, the Respondent sent the Petitioner a letter stating that the Respondent's time period for investigating the charge of discrimination will expire on March 24, 2011.
2. The letter further informed the Petitioner that he had from March 24, 2011, through June 21, 2011, to either file a Complaint with the Commission or to commence a civil action in the appropriate State circuit court.
3. On May 5, 2011, the Petitioner filed a Complaint with the Commission.
4. The Petitioner did not provide the Respondent with a notice that Petitioner filed a Complaint with the Commission during the requisite time period.
5. In his Request, the Petitioner argued that the Respondent has no jurisdiction to dismiss the charge.
6. In its Response, the Respondent requests the Commission to sustain the dismissal of the Petitioner's charge Expiration of Time.

## **C. DISCUSSION & DETERMINATION**

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 or the Petitioner files a complaint with the Illinois Human Rights Commission. 775 ILCS 5/7A-102(G)(1), (3) (West 2010).

The Commission concludes that the time period to investigate the Petitioner's charge expired on March 24, 2011. The Petitioner was informed by the Respondent that he may file a Complaint with the Commission from August 24, 2011, through June 21, 2011. The Petitioner filed his timely Complaint with the Commission on May 5, 2011. Pursuant to Section 7A-102(G)(3) 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)(3) (West 2010).

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

**WHEREFORE, 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, Illinois Central College, as Respondents, with the Clerk of the Appellate Court within 35 days after the date of service of this Order.

**STATE OF ILLINOIS**

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**HUMAN RIGHTS COMMISSION**

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**Entered this 10<sup>th</sup> day of December 2018.**

Commissioner David Chang

Commissioner Robert A. Cantone

Commissioner Lauren Beth Gash