

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2010CA2803
)	EEOC NO.: 21BA01418
PAMELA GALAS,)	ALS NO.: 12-0206
)	
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Duke Alden, Patricia Bakalis Yadgir, and Terry Cosgrove¹ presiding, upon the Request for Review (“Request”) of Pamela Galas (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)² of Charge No. 2010CA2803 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 for **EXPIRATION OF TIME TO FILE A COMPLAINT** is **SUSTAINED**.

DISCUSSION

On March 10, 2010, the Petitioner filed a charge of discrimination with the Respondent alleging that HMX, LLC (“Employer”) discharged her due to her age, in violation of Section 2-102(A) of the Illinois Human Rights Act (“Act”). Respondent began its investigation, and on November 17, 2010, Petitioner agreed to extend the 365-day period in which Respondent needed to complete that investigation. Petitioner and Respondent disagree as to whether Petitioner agreed to any further extensions. In January 2011, Respondent informed Petitioner that if it did not finish its investigation within the time period, Petitioner would be able to file a complaint between June 9, 2011, and September 6, 2011. Petitioner filed a complaint on July 13, 2011. But Respondent dismissed Petitioner’s charge for failure to file a complaint on January 30, 2012. Petitioner filed a timely Request.

In that Request, Petitioner contends that her charge should not have been dismissed because she did file a timely complaint. Respondent argues that Petitioner did not file a complaint, and so the charge must be dismissed. Regardless of whether the complaint was filed, the same statutory provision controls. Under 775 ILCS 5/7A-102(G)(3), the Department “shall immediately cease its investigation and dismiss the charge” if Petitioner “files a complaint with the Human Rights Commission . . . or if the time period for filing a complaint has expired[.]” Thus, whether Petitioner

¹ This Order is in accordance with a vote cast by Commissioner Cosgrove prior to the expiration of his term.
² 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 Illinois Department of Human Rights’s action shall be referred to as the “Petitioner.”

