

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2010CA4360
)	EEOC NO.: 21BA10767
PERCY D. BROWN,)	ALS NO.: 12-0224
)	
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Hamilton Chang, Lauren Beth Gash¹, and Robert A. Cantone presiding, upon the Request for Review (“Request”) of Percy D. Brown (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)² of Charge No. 2010CA4360 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 Petitioner’s charge for **LACK OF JURISDICTION** is **SUSTAINED**.

DISCUSSION

On November 12, 2009, Petitioner filed a charge of discrimination with the Respondent alleging that the Chicago Board of Education (“Employer”) subjected him to harassment on account of his race, age, sex, and physical disability, in violation of Section 2-102(A) of the Illinois Human Rights Act (“Act”).

On March 19, 2012, the Respondent dismissed the Petitioner’s charge in its entirety. The Petitioner filed a timely Request.

Petitioner worked as a teacher at Dunbar High School in 2006 and 2007. While there, he alleges, the school’s principal had him followed by security guards. After he left Dunbar and became a substitute teacher, the same principal ruined his reputation at other schools by calling other principals and blaming Petitioner for thefts and accidents.

The Commission concludes that the Respondent properly dismissed the Petitioner’s claims for lack of jurisdiction. Section 7A-102(A)(1) of the Act provides that in all cases (except housing discrimination cases), a petitioner must file a charge of discrimination with the Respondent within 180 days after the date of the alleged civil rights violation. This 180-day filing requirement is jurisdictional. Failure to file a charge within the prescribed time deprives the Respondent and the Commission of

¹ This Order is in accordance with a vote cast by Commissioner Gash prior to the expiration of her 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.”

jurisdiction to proceed further. Trembczynski v. Human Rights Comm'n, 252 Ill. App. 3d 966, 625 N.E.2d, 215 (1st Dist. 1993). Petitioner alleges that the Dunbar principal harassed him while he worked at Dunbar in 2006 and 2007, but he did not file a complaint until 2009, outside the jurisdictional window. He alleges that the principal continued harassing him between December 31, 2008 and June 13, 2009, after he left Dunbar, but was unable to provide any dates or details for specific incidents of harassment within the 180-day window – not even the names of the schools the principal allegedly called to ruin his reputation.

Accordingly, the Petitioner has not presented any evidence to show that the Respondent's dismissal of the charge was not in accordance with the Act.

THEREFORE, IT IS HEREBY ORDERED THAT:

1. The dismissal of the Petitioner's charge is hereby **SUSTAINED**.
2. 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 the Chicago Board of Education, as respondents, with the Clerk of the Appellate Court within 35 days after the date of service of this Order.

STATE OF ILLINOIS)
) **Entered this 22nd day of October 2018.**
HUMAN RIGHTS COMMISSION)

Commissioner Robert A. Cantone

Commissioner Hamilton Chang

Commissioner Lauren Beth Gash