

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST	)	
FOR REVIEW BY:	)	CHARGE NO.: <b>2010CF3172</b>
	)	EEOC NO.: <b>21BA01698</b>
<b>TABITHA WALKER,</b>	)	ALS NO.: <b>12-0356</b>
	)	
	)	
Petitioner.	)	

**ORDER**

This matter coming before the Commission by a panel of three, Commissioners Duke Alden, Patricia Bakalis Yadgir, and Terry Cosgrove<sup>1</sup> presiding, upon the Request for Review (“Request”) of Tabitha Walker (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)<sup>2</sup> of Charge No. 2010CF3172 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 **EXPIRATION OF TIME TO FILE A COMPLAINT** is **SUSTAINED**.

**DISCUSSION**

On April 13, 2010, the Petitioner filed a charge of discrimination with the Respondent alleging that Ann Taylor (“Employer”) discriminated against her due to her race and sex, in violation of Section 2-102(A) of the Illinois Human Rights Act (“Act”). Respondent’s 365-day period to investigate the charge expired on April 14, 2011. Respondent sent Petitioner a letter informing her of the expiration, and that she could file a complaint with the Commission, or commence an action in circuit court, by July 12, 2011. On May 18, 2012, the Respondent dismissed the Petitioner’s charge in its entirety. The Petitioner filed a timely Request.

After Petitioner filed her charge, the Respondent was required to issue its investigation report within 365 days. 775 ILCS 5/7A-102(G)(1). Respondent failed to do so, so Petitioner had 90 days to file a complaint with the Commission or commence a civil action in circuit court. 775 ILCS 5/7A-102(G)(2). Respondent sent Petitioner a letter informing her of this opportunity, and that if she failed to file a complaint or commence a civil action within 90 days, the charge would be dismissed. 775 ILCS 5/7A-102(G)(3). The 90-day period expired, Respondent had no record that Petitioner filed a complaint with the Commission, so Respondent had no option but to dismiss the charge. Id. In her Request, Petitioner does not contest this application of the statute, but reiterates the facts of the charge.

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

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 Ann Taylor 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 30th day of November 2018.**  
**HUMAN RIGHTS COMMISSION** )

Commissioner Duke Alden

Commissioner Terry Cosgrove

Commissioner Patricia Bakalis Yadgir