

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST	)	
FOR REVIEW BY:	)	CHARGE NO.: <b>2010CF3009</b>
	)	EEOC NO.: <b>21BA01582</b>
<b>ANNETTE THOMAS,</b>	)	ALS NO.: <b>12-0416</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 Annette Thomas (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)<sup>2</sup> of Charge No. 2010CF3009 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 is **SUSTAINED** due to **EXPIRATION OF TIME PERIOD TO FILE COMPLAINT**.

**DISCUSSION**

On March 31, 2010, the Petitioner filed a charge of discrimination with the Respondent alleging that Cook County Department of Corrections (“Employer”) harassed her in retaliation for opposing unlawful discrimination, and issued warnings in retaliation and because of her sex, in violation of Sections 2-102(A) and 6-101(A) of the Illinois Human Rights Act (“Act”).

On April 4, 2012, the Respondent dismissed the Petitioner’s charge in its entirety for expiration of time period to file a complaint with the Commission. The Petitioner filed a timely Request.

After Petitioner filed her charge, the Respondent was required to issue its investigation report within 365 days, or by March 31, 2011. 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 (by June 29, 2011), the charge would be dismissed. 775 ILCS 5/7A-102(G)(3). The 90-day period expired, and Respondent had no record that Petitioner filed a complaint with the Commission, so Respondent had no option but to dismiss the charge. Id. (if time period for filing complaint has expired, Respondent shall immediately cease investigation and dismiss 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.”

In her Request, Petitioner does not contest this application of the statute, but adds additional facts to the charge. 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 Cook County Department of Corrections, 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 9th day of November 2018.**  
**HUMAN RIGHTS COMMISSION** )

Commissioner Duke Alden

Commissioner Terry Cosgrove

Commissioner Patricia Bakalis Yadgir