

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST	)	
FOR REVIEW BY:	)	CHARGE NO.: <b>2012CF0782</b>
	)	EEOC NO.: <b>21BA12815</b>
<b>JORGE ZAVALA,</b>	)	ALS NO.: <b>12-0455</b>
	)	
Petitioner.	)	

**ORDER**

This matter coming before the Commission by a panel of three, Commissioners Diane M. Viverito,<sup>1</sup> Michael Bigger, and Amy Kurson presiding, upon Jorge Zavala’s (“Petitioner”) Request for Review (“Request”) of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)<sup>2</sup> of Charge No. 2012CF0782 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 the Petitioner’s charge for **LACK OF JURISDICTION** is **SUSTAINED**.

**DISCUSSION**

On September 21, 2011, the Petitioner filed a charge of discrimination with the Respondent alleging that the Asian American Institute (“Employer”) failed to hire him because of his national origin in violation of Section 2-102(A) of the Illinois Human Rights Act (“Act”). On May 2, 2012, the Respondent dismissed the Petitioner’s charge for lack of jurisdiction. The Petitioner filed a timely Request.

The Commission concludes that the Respondent properly dismissed the Petitioner’s charge for lack of jurisdiction. Section 2-102(A) of the Act provides that “it is a civil rights violation for any employer to refuse to hire...on the basis of unlawful discrimination or citizenship status.” 775 ILCS 5/2-102(A). Section 2-101(B)(1)(a) of the Act defines an employer as “any person employing 15 or more employees within Illinois during 20 or more calendar weeks within the calendar year of or preceding the alleged violation.” 775 ILCS 5/2-101(B)(1)(a). The Respondent’s investigation revealed that at no point during the 20 months preceding the Petitioner’s claim did the Employer employ 15 or more people. Because the Asian American Institute is not an “employer” under the Act, both the Respondent and the Commission lack jurisdiction to proceed on the Petitioner’s 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.

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<sup>1</sup> This Order is in accordance with a vote cast by Commissioner Viverito prior to the expiration of her 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.”

