

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2012CR3460
)	EEOC NO.: 440-2012-00919
VELMA MYLES,)	ALS NO.: 12-0489
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Diane M. Viverito,¹ Michael Bigger, and Amy Kurson presiding, upon Velma Myles’s (“Petitioner”) Request for Review (“Request”) of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)² of Charge No. 2012CR3460 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 December 15, 2011, the Petitioner filed a charge of discrimination with the Equal Employment Opportunity Commission (“EEOC”) alleging that Leyden Township (“Employer”) discriminated against her because of her race, age, and disability in violation of Section 2-102(A) of the Illinois Human Rights Act (“Act”). On June 28, 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. Under Section 7A-102(A-1)(1) of the Act, if a charge is first filed with the EEOC, the Petitioner shall receive notice from the Respondent that she is required to submit a copy of the EEOC’s final determination to the Respondent within 30 days after service thereof. 775 ILCS 5/7A-102(A-1)(1). There are some discrepancies with the dates between the Respondent’s Investigation Report and the Respondent’s Response to the Request, but construing everything in the light most favorable to the Petitioner, she was mailed a copy of the EEOC’s final determination on February 21, 2012. The Petitioner submitted the copy to the Respondent on May 24, 2012. In her Request, she states that she was not receiving her mail because of a move, and that she did submit the copy originally on March 29, 2012. However, the March 29th mailing was still beyond the 30-day window provided for under the Act, and therefore neither the Respondent nor the Commission have jurisdiction to consider the Petitioner’s charge.

¹ This Order is in accordance with a vote cast by Commissioner Viverito 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.”

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 Leyden Township 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 5th day of November 2018.
HUMAN RIGHTS COMMISSION)	

Commissioner Diane M. Viverito

Commissioner Michael Bigger

Commissioner Amy Kurson