

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST	)	
FOR REVIEW BY:	)	CHARGE NO.: <b>2012CR1835</b>
	)	EEOC NO.: <b>440-2012-00479</b>
<b>IRENE RADICK,</b>	)	ALS NO.: <b>12-0490</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 Irene Radick'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. 2012CR1835 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 November 1, 2011, the Petitioner filed a charge of discrimination with the Equal Employment Opportunity Commission ("EEOC") alleging that Harris Bank ("Employer") failed to promote her because of her age and sex in violation of Section 2-102(A) of the Illinois Human Rights Act ("Act"). On July 5, 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. The Act provides that a charge must be filed within 180 days after the date that a civil rights violation allegedly has been committed. 775 ILCS 5/7A-102(A). The Petitioner's charge states that she was denied promotions, most recently in February 2011. It also states that she was demoted in March 2011. The investigation determined that the Petitioner was notified by the Employer of both decisions on March 28, 2011. Therefore, the filing date of November 1, 2011 is beyond the 180 day time limit. This time limit is jurisdictional, and therefore neither the Respondent nor the Commission have jurisdiction to proceed on the Petitioner's claim. Trembczynski v. Human Rights Comm'n, 252 Ill. App. 3d 966, 969 (1st Dist. 1993).

The Petitioner's Request states that she went to Employee Relations on April 27, 2011 and that she was given a severance package on October 25, 2011. She also alludes to the fact that her termination may be in retaliation for speaking with Employee Relations. However, the Commission is

<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."

bound by what is plead in the Petitioner's charge, and she is only alleging discrimination based on actions that occurred in March, nothing thereafter.

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 Harris Bank 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