

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2012CR3013
)	EEOC NO.: 846-2011-88484
BOBBY R. TURNER, JR.,)	ALS NO.: 12-0512
)	
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 Bobby R. Turner, Jr.'s ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Illinois Department of Human Rights ("Respondent")² of Charge No. 2012CR3013 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 23, 2011, the Petitioner filed a charge of discrimination with the Equal Employment Opportunity Commission ("EEOC") alleging that Bank of America Global Securities Solutions ("Employer") failed to promote him and discharged him due to his race in violation of Section 2-102(A) of the Illinois Human Rights Act ("Act"). On June 27, 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 if he would like his charge investigated by the Respondent, he 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). The Respondent mailed Petitioner a letter on October 20, 2011 explaining these rights to him. This letter was not returned as undeliverable. The EEOC mailed the Petitioner its Dismissal and Notice of Rights on December 19, 2011, to the same address the Respondent had sent its earlier letter. The Petitioner did not mail a copy of the EEOC findings to the Respondent until April 13, 2012, well beyond the 30-day time limit. Therefore, neither the Respondent nor the Commission have the jurisdiction to take any action on the Petitioner's case.

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 Bank of America Global Securities Solutions 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 Diane M. Viverito

Commissioner Michael Bigger

Commissioner Amy Kurson