

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2011CF3284
)	EEOC NO.: 21BA11705
JENNIFER WITTSTOCK,)	ALS NO.: 12-0618
)	
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Hamilton Chang, Steve Kim, and Robert A. Cantone presiding, upon the Request for Review (“Request”) of Jennifer Wittstock (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)¹ of Charge No. 2011CF3284 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 **EXPIRATION OF TIME TO FILE A COMPLAINT** is **SUSTAINED**.

DISCUSSION

On April 26, 2011, the Petitioner filed a charge of discrimination with the Respondent alleging that College of DuPage District #502 (“Employer”) discriminated her against her because of her disability (Count A), and suspended and terminated her in retaliation for opposing unlawful discrimination (Count B), in violation of Sections 2-102(A) and 6-101(A) of the Illinois Human Rights Act (“Act”). Respondent’s 365-day time period to investigate the charge expired on April 27, 2012, without a full investigation.

On August 30, 2012, the Respondent dismissed the Petitioner’s charge in its entirety. The Petitioner filed a timely Request.

The Respondent was required to issue its investigation report within 365 days. 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). In her Request, Petitioner states that she did file a civil action in the Circuit Court of DuPage County, on April 30, 2012. Because she did so, Respondent must immediately cease its investigation and dismiss the charge. 775 ILCS 5/7A-102(G)(3).

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.

¹ 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.”

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 College of DuPage District #502 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 30th day of November 2018.**
HUMAN RIGHTS COMMISSION)

Commissioner Robert A. Cantone

Commissioner Hamilton Chang

Commissioner Steve Kim