

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2010CF3980
)	EEOC NO.: 21BA02266
EMMANUEL DAVIES,)	ALS NO.: 12-0644
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Michael Bigger, Amy Kurson, and Cheryl Mainor presiding, upon Emmanuel Davies's ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Illinois Department of Human Rights ("Respondent")¹ of Charge No. 2010CF3980 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 WITH THE ILLINOIS HUMAN RIGHTS COMMISSION** is **SUSTAINED**.

DISCUSSION

On June 22, 2010, the Petitioner filed a charge of discrimination with the Respondent alleging that City Colleges of Chicago ("Employer") harassed her, failed to promote her, and discharged her due to her national origin and in retaliation for opposing sexual harassment in violation of Sections 2-102(A) and 6-101(A) of the Illinois Human Rights Act ("Act"). On July 31, 2012, the Respondent dismissed the Petitioner's charge for failure to file a charge with the Illinois Human Rights Commission ("Commission") within the time period allowed under the Act. The Petitioner filed a timely Request.

The Commission concludes that the Respondent properly dismissed the Petitioner's charge. Under Section 7A-102(G)(2) of the Act, if the Respondent "has not issued its report within 365 days after the charge is filed, or any such longer period agreed to in writing by all the parties, the complainant shall have 90 days to either file his or her own complaint with the Human Rights Commission or commence a civil action in the appropriate circuit court." 775 ILCS 7A-102(G)(2). According to the Notice of Dismissal issued to the Petitioner, the time period for investigating the charge expired on December 19, 2011. Accordingly, the time period to file a charge with the Commission expired on March 18, 2012, and because there is no evidence that the Petitioner filed a charge with the Commission, the Respondent properly dismissed the Petitioner's charge according to Section 7A-102(G)(3).

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."

