

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2012CR3891
)	EEOC NO.: N/A
JEAN LEBLANC,)	ALS NO.: 12-0656
)	
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Duke Alden, Charlene Foss-Eggemann,¹ and Patricia Bakalis Yadgir presiding, upon the Request for Review (“Request”) of Jean LeBlanc (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)² of Charge No. 2012CR3891 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 Petitioner’s charge for **LACK OF JURISDICTION** is **SUSTAINED**.

DISCUSSION

On December 28, 2011, the Petitioner filed a charge of discrimination with the Equal Employment Opportunity Commission (“EEOC”), alleging that Advocate Lutheran General Hospital (“Employer”) subjected him to unequal terms and conditions of employment and discharged him, because of his race and age, in violation of Section 2-102(A) of the Illinois Human Rights Act (“Act”). The EEOC charge was cross-filed with Respondent. On April 24, 2012, the EEOC issued a Dismissal and Notice of Rights, stating that it was unable to conclude that the information obtained establishes violations of the statutes. On July 2, 2012, Petitioner sent the EEOC’s dismissal to Respondent.

On October 2, 2012, the Respondent dismissed the Petitioner’s charge in its entirety. The Petitioner filed a timely Request.

When an EEOC charge is cross-filed with Respondent, the Petitioner is required to submit a copy of the EEOC’s eventual determination to Respondent within 30 days of Petitioner receiving that determination. 56 Ill. Admin. Code 2520.490(a)(3). If the Petitioner fails to do so, Respondent may dismiss the charge for lack of jurisdiction. 56 Ill. Admin. Code 2520.490(d). Petitioner does not contest that he submitted the EEOC’s determination to Respondent well outside the 30-day window.

¹ This Order is in accordance with a vote cast by Commissioner Foss-Eggemann 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 Advocate Lutheran General Hospital, 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 Duke Alden

Commissioner Charlene Foss-Eggemann

Commissioner Patricia Bakalis Yadgir