

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2012CF1991
)	EEOC NO.: 21BA20790
JOEL MEJIAS,)	ALS NO.: 13-0018
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Nabi R. Fakroddin, Hermene Hartman, and Eleni Bousis presiding, upon Joel Mejias’s (“Petitioner”) Request for Review (“Request”) of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)¹ of Charge No. 2012CF1991 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 January 2, 2012, the Petitioner filed a charge of discrimination with the Respondent alleging that International Association of Mechanists and Aerospace Workers District Lodge 141 (“Union”) failed to represent him due to his national origin and ancestry in violation of Section 2-102(A) of the Illinois Human Rights Act (“Act”). On October 19, 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). This requirement is jurisdictional, meaning that if the Petitioner does not file his charge within the 180 day time limit, neither the Respondent nor the Commission have the jurisdiction to proceed on the charge. Trembczynski v. Human Rights Comm’n, 252 Ill. App. 3d 966, 969 (1st Dist. 1993).

The investigation revealed that the Petitioner was notified on June 5, 2011 that the union would not be appealing his grievance. However, the Petitioner did not file his charge until January 2, 2012, which is more than 180 days past the date of the alleged violation. The Petitioner claims that he was not aware that the Union had represented other individuals outside of his protected class until December 17, 2011. However, this failure to learn of similarly situated employees does not extend the time limit for filing.

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.”

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 International Association of Mechanists and Aerospace Workers District Lodge 141 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 Nabi R. Fakroddin

Commissioner Hermene Hartman

Commissioner Eleni Bousis