

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)
FOR REVIEW BY:)

GREGORY GATEWOOD,)

Petitioner.)

CHARGE NO.: **2010CN4392**
EEOC NO.: **440-2009-06868**
ALS NO.: **13-0022**

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 Gregory Gatewood (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)¹ of Charge No. 2010CN4392 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 dismissal of the Petitioner’s charge for **LACK OF JURISDICTION** is **SUSTAINED**.

DISCUSSION

On September 23, 2009, the Petitioner filed a charge of discrimination with the Respondent alleging that I.B.E.W. Local 134 (“Union”) refused to represent him because of his race and in retaliation for opposing unlawful discrimination, in violation of Sections 2-102(A) and 6-101(A) of the Illinois Human Rights Act (“Act”).

On October 18, 2012, the Respondent dismissed the Petitioner’s charge in its entirety. The Petitioner filed a timely Request.

Petitioner alleges that he was discharged on July 23, 2008, and Union refused to represent him on some unspecified date. Union asserts that it refused representation on September 16, 2008. Section 7A-102(A)(1) of the Act provides that in all cases (except housing discrimination cases), a petitioner must file a charge of discrimination with the Respondent within 180 days after the date of the alleged civil rights violation. This 180-day filing requirement is jurisdictional. Failure to file a charge within the prescribed time deprives the Respondent and the Commission of jurisdiction to proceed further. Trembczynski v. Human Rights Comm’n, 252 Ill. App. 3d 966, 625 N.E.2d, 215 (1st Dist. 1993). Because Petitioner did not provide evidence that Union’s alleged adverse action against him took place within 180 days of him filing the charge, Respondent did not err in dismissing it.

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 I.B.E.W. Local 134 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 -