

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)		
FOR REVIEW BY:)	CHARGE NO.:	2012CF3185
)	EEOC NO.:	21BA21617
BRENDA PATTON-ISMAIL,)	ALS NO.:	13-0351
)		
)		
Petitioner.)		

ORDER

This matter coming before the Commission by a panel of three, Commissioners Michael Bigger, Eleni Bousis, and Patricia Bakalis Yadgir, presiding upon Brenda Patton-Ismail’s (the “Petitioner”) Request for Review (the “Request”) of the Notice of Dismissal issued by the Department of Human Rights (the “Respondent”)¹ of Charge No. 2012CF3185 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, **WHEREFORE**, it is hereby **ORDERED** that the Respondent’s Notice of Dismissal is **SUSTAINED** for **LACK OF JURISDICTION**.

DISCUSSION

The On April 12, 2012, the Petitioner filed an unperfected charge of discrimination with the Department, which was perfected on June 18, 2012 (the “Charge”), alleging that Illinois Community College District 504 a/k/a Triton College, paid her unequal wages due to her race, Black, religion, Islam, and in retaliation for opposing her race, Black, and religion, Islam, discrimination in violation of Sections 2-102(A) and 6-102(A) of the Illinois Human Rights Act (the “Act”). On May 1, 2013, the Respondent dismissed the Petitioner’s Charge for Lack of Jurisdiction finding that the Petitioner’s Charge was not timely filed. On August 5, 2013, the Petitioner filed this timely Request.

The Commission concludes that the Respondent properly dismissed the Petitioner’s Charge for Lack of Jurisdiction. 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. See Trembczynski v. Human Rights Commission, 252 Ill. App. 3d 966, 625 N.E.2d, 215, 218 (1st Dist. 1993).

The Commission has previously held that “the 180 day period begins to run from the time that the adverse action is communicated to the Petitioner.” See Fletcher Barnes and Chicago Transit Authority, 36 Ill. HRC Rep. 211, 2 (1987). In other words ...“the 180-day period begins when the employer gives notice of the discriminatory action, which is when the injury is deemed to have

¹ In a Request for Review Proceeding, the Illinois Department of Human Rights is the “Respondent.” The party to the underlying charge who is requesting review of the Department’s action shall be referred to as the “Petitioner.”

occurred.” See Jesse Lofton and Brown & Williamson Tobacco Corp., IHRC, ALS No. 4306, June 29, 1992, 1992 WL 721759, * 5.

Here, the Petitioner alleged that on or about August 22, 2011, she discovered that she was the lowest paid exempt mid manager as compared to other human resource generalists. The Petitioner filed her unperfected charge on April 12, 2012, as indicated on the Respondent’s AS400 Employment Complainant Information Sheet (the “CIS”). April 12, 2012 is 234 days after the August 22, 2011, alleged adverse action. As such the Charge was not timely filed. In her Request, the Petitioner argued that she mailed the CIS on February 12, 2012. However, there was no evidence to substantiate the February 12, 2012 date. The CIS also has February 28, 2012 as the date received by the Respondent. Even if the Commission considered the February 28, 2012 date, the Charge would still be dismissed for Lack of Jurisdiction, as February 28, 2012 is 190 days after the alleged adverse action.

Accordingly, it is the Commission’s decision that the Petitioner has not presented any evidence to show that the Respondent’s dismissal of the Charge was not in accordance with the Act. The Petitioner’s Request is not persuasive

THEREFORE, IT IS HEREBY ORDERED THAT:

The dismissal of Petitioner’s Charge is hereby **SUSTAINED**.

This is a final Order. A final Order may be appealed to the Illinois Appellate Court by filing a Petition for Review, naming the Illinois Human Rights Commission, the Illinois Department of Human Rights and, Illinois Community College District 504 a/k/a Triton College, as Respondents, with the Clerk of the Illinois Appellate Court within 35 days after the date of service of this Order.

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Entered this 16th day of October 2018

Commissioner Patricia Bakalis Yadgir

Commissioner Michael Bigger

Commissioner Eleni Bousis