

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2013CR2866
DU'ANE F. SHIPP,)	EEOC NO.: 440-2013-00216
)	ALS NO.: 13-0471
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Michael Bigger, and Eleni Bousis, and Patricia Bakalis Yadgir, presiding upon Du'ane F. Shipp's ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Department of Human Rights ("Respondent")¹ of Charge No. 2013CR2866 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 Petitioner filed an unperfected charge of discrimination with the Respondent on October 12, 2012, which was perfected on October 24, 2012 (the "Charge"), alleging that Abbott Molecular, Inc., discriminated against him because of his race, Black, in violation of Section 2-102(A) of the Illinois Human Rights Act (the "Act"). On August 6, 2013, the Respondent dismissed the Petitioner's Charge for Lack of Jurisdiction finding that the Petitioner failed to provide the Respondent with a copy of the Equal Employment Opportunity Commission's (the "EEOC") determination within thirty (30) days of receipt as required by Section 7A-102(A-1)(1) of the Act. On October 4, 2013, the Petitioner filed this timely Request for Review (the "Request").

The Commission concludes that the Respondent properly dismissed the Petitioner's Charge for Lack of Jurisdiction. Section 7A-102(A-1)(1) of the Act requires the Petitioner to send the Respondent a copy of the EEOC's finding within thirty (30) days of service of the determination. On October 12, 2012, the EEOC issued its Dismissal and Notice of Rights to the Petitioner. On October 29, 2012, the EEOC's determination was deemed served on the Petitioner. The Petitioner was required to send the Respondent of copy of the EEOC's

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."

determination by November 28, 2012.³ On April 10, 2013, approximately 4 months after service of the EEOC's determination, the Petitioner sent the Respondent a copy of the EEOC's determination. As such, the Petitioner's notice was not timely filed and the Respondent had no jurisdiction to investigate the Petitioner's Charge. In his Request, the Petitioner does not address the jurisdictional basis of the dismissal of his Charge.

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 Abbott Molecular, Inc. as Respondents, with the Clerk of the Illinois Appellate Court within 35 days after the date of service of this Order.

STATE OF ILLINOIS

HUMAN RIGHTS COMMISSION

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Entered this 16th day of October 2018

Commissioner Patricia Bakalis Yadgir

Commissioner Michael Bigger

Commissioner Eleni Bousis