

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2013CF3822
)	EEOC NO.: 21BA40074
JOZETTE JACKSON,)	ALS NO.: 14-0195
)	
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Michael Bigger, Amy Kurson, and Cheryl Mainor presiding, upon Jozette Jackson’s (“Petitioner”) Request for Review (“Request”) of the Notice of Dismissal issued by the Department of Human Rights (“Respondent”)¹ of Charge No. 2013CF3822 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 February 27, 2013, perfected on October 12, 2013, alleging that Northside Grill, subjected her to harassment in retaliation for filing a previous charge of discrimination, in violation of Section 6-101(A) of the Illinois Human Rights Act (“Act”). On March 27, 2014, the Respondent dismissed the Petitioner’s charge for Lack of Jurisdiction finding that the Petitioner was not an employee as defined by the Act. On April 28, 2014, the Petitioner filed this timely Request for Review (“Request”).

The Commission concludes that the Respondent properly dismissed the Petitioner’s charge for Lack of Jurisdiction. If the Person is not an employee within the meaning of the Act, there must be a finding of lack of jurisdiction. See 775 ILCS 5/2-101(A)(1)(a). In this case, it is clear the Petitioner was not Northside Grill’s employee. Section 2-101(A)(1)(a) of the Act defines an “employee” as... “any individual performing services for remuneration within this state for an employer.” See 775 ILCS 5/2-101(A)(1)(a). The Petitioner had filed a previous charge of discrimination against Two Way Grill and not Northside Grill. During a Respondent’s interview of the Petitioner, the Petitioner stated that neither she nor her alleged harasser, worked for Northside Grill. The Petitioner further stated that she and

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.”

her alleged harasser worked for Two Way Grill. As such, Northside Grill could not have subjected the Petitioner to harassment in retaliation for filing a previous discrimination charge based on harasser's harassment of the Petitioner.

In her Request, the Petitioner did not submit any argument or evidence. 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 Petitioners' 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 Appellate Court by filing a petition for review, naming the Illinois Human Rights Commission, the Illinois Department of Human Rights and, Northside Grill as Respondents, with the Clerk of the Appellate Court within 35 days after the date of service of this Order.

STATE OF ILLINOIS

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Entered this 29th day of November 2018

HUMAN RIGHTS COMMISSION

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Commissioner Michael Bigger

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Commissioner Amy Kurson

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Commissioner Cheryl Mainor