

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2013CR3867
)	EEOC NO.: 440-2013-02168
SHERRI SULLIVAN,)	ALS NO.: 14-0284
)	
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners, Hermene Hartman, Steve Kim and Cheryl Mainor presiding, upon Sherri Sullivan's ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Department of Human Rights ("Respondent") of Charge No. 2013CR3867; 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 **FAILURE TO PROCEED**.

DISCUSSION

On February 28, 2013, the Petitioner filed a charge of discrimination with the Equal Employment Opportunity Commission ("EEOC") which was cross-filed with the Respondent, alleging that Jewel Food Store, subjected her to unequal terms and conditions of employment based on her disability and in retaliation for opposing unlawful workplace discrimination, in violation of Sections 2-102(A) and 6-101(A) of the Illinois Human Rights Act ("Act"). On March 25, 2014, 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 ("EEOC") determination within thirty days of receipt as required by Section 7A-102(A-1)(1) of the Act. On June 27, 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. Section 7A-102(A-1)(1) of the Act requires the Petitioner to send the Respondent a copy of the EEOC finding within thirty days of service of the determination. 775 ILCS 5/7A-102(A-1)(1). On December 3, 2013 the EEOC issued its Dismissal and Notice of Rights to the Petitioner. On December 7, 2013, the EEOC's determination was deemed served on the Petitioner. The Petitioner was required to send the Respondent of copy of the EEOC determination by January 6, 2014. On February 5, 2014, more than thirty days 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 her Request and Reply, the Petitioner does not address the jurisdictional basis of the dismissal of her 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 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, Jewel Food Store 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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HUMAN RIGHTS COMMISSION

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Entered this 28th day of November 2018

Commissioner Hermene Hartman

Commissioner Cheryl Mainor

Commissioner Steve Kim