

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)		
FOR REVIEW BY:)	CHARGE NO.:	2014CP1119
)	EEOC NO.:	N/A
)	ALS NO.:	14-0351
JONATHAN MORGAN,)		

ORDER

This matter coming before the Commission by a panel of three Commissioners, Robert A. Cantone, Nabi R. Fakroddin, P.E., S. E. and Hamilton Chang, presiding, upon Jonathan Morgan's (the "*Petitioner*") Request for Review (the "*Request*") of the Notice of Dismissal (the "*Notice*") issued by the Illinois Department of Human Rights (the "*Respondent*")¹ of Charge No.: 2014CP1119 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 Respondent's dismissal of the Petitioner's Charge for **LACK OF JURISDICTION** is **SUSTAINED**.

DISCUSSION

On October 30, 2013, the Petitioner filed a Charge of Discrimination (the "*Charge*") with the Respondent, alleging that Central DuPage Hospital Cadence Health (the "*Paramedic Program*"), a place of public accommodation, denied him the full and equal enjoyment of its facilities due to his race, Black, in violation of Section 5-102(A) of the Illinois Human Rights Act, 775 ILCS 5/1-101 *et seq.* (the "*Act*"). On May 15, 2014, the Respondent dismissed the Petitioner's Charge for Lack of Jurisdiction. On August 31, 2014, the Petitioner filed this timely Request.

In this matter, the Petitioner alleges that on or about June 17, 2013, he became aware, via email, that Tracy L. Raimondo, Program Director, was allowing other students who also failed an examination to retake the exam to avoid dismissal from the Program. However, the Petitioner acknowledges that on or about April 24, 2013, he

¹ In a request for review proceeding, the Illinois Department of Human Rights shall be referred to as the "Respondent". The party to the underlying charge requesting review of the Illinois Department of Human Right's action shall be referred to as the "Petitioner".

spoke directly with Tracy Raimondo wherein she expressed that he was dropped from the Program because he failed two of the required examinations per policy manual.

In his Request, however, the Petitioner argues that he first became aware of the civil rights violation, the breach of the Paramedic Program agreement, on June 17, 2013 when he was dismissed from the Program due to his failure to receive a passing score on two of the requisite exams. The Petitioner concedes that his formal dismissal from the Program was in sync with the terms of the policy and procedures manual he, along with other students, signed during the program orientation. The Petitioner yet firmly holds to the date of June 17, 2013, and not April 23, 2013, as the date of the civil rights violation, thus falling within the required 180-day filing period to file his Charge.

However, per the Respondent's investigation and interview, the evidence shows that the alleged date of civil rights violation occurred on or before April 24, 2013, when Tracy Raimondo spoke with the Petitioner regarding his failure of two of the requisite examinations. The evidence also shows that it was on April 24, 2013, that the Petitioner conceded that he failed the two examinations. Thus, per the program's policies and procedures, the Petitioner was rightfully dropped from the Program.

The Respondent urges the Commission to sustain the dismissal of the Petitioner's Charge for Lack of Jurisdiction. Section 7A-102(A) of the Act states that a charge must be filed within 180 days of the date of the alleged civil rights violation. This is when the Complainant should have notice of the civil rights violation. See Faulkner–King v. Dept. of Human Rights, 225 Ill. App. 3d 784, 587 N.E.2d 599 (4th Dist. 1992). Section 7A-102(A) of the Act is a jurisdictional requirement and failure to file a charge within the prescribed time period deprives the Department of Human Rights of jurisdiction to investigate the charge. See Trembczynski v. Human Rights Commission, 252 Ill. App. 3d 966, 625 N.E.2d 215 (1st Dist. 1993).

Section 7A-102(A)(1) of the Act states that a charge [of discrimination] must be filed within 180 days of the alleged date of a civil rights violation. Here, when calculating the 180th date from April 24, 2013 (the date of the alleged civil rights violation), the Petitioner would have had to file his Charge on or before October 21, 2013. Here, the Petitioner filed his Charge on October 30, 2013, a date which falls outside of the 180th filing deadline.

THEREFORE, IT IS HEREBY ORDERED THAT:

The dismissal of the 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 Department of Human Rights, the Illinois Human Rights Commission, and Central DuPage Hospital Cadence Health as named party respondents, with the Clerk of the Illinois Appellate Court within 35 days after the date of service of this Final Order.

STATE OF ILLINOIS)
) Entered this 20th day of December 2018
HUMAN RIGHTS COMMISSION)

Commissioner Robert A. Cantone, Esq.

Commissioner Nabi R. Fakhroddin, P.E., S.E.

Commissioner Hamilton Chang