

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)
FOR REVIEW BY:)

THEORTHE HANKS,)

Petitioner.)

CHARGE NO.: **2014CP2561**
EEOC NO.: **N/A**
ALS NO.: **14-0535**

ORDER

This matter coming before the Commission by a panel of three, Chair Rose Mary Bombela-Tobias and Commissioners Patricia Bakalis Yadgir and Michael Bigger presiding, upon the Request for Review (“Request”) of Theorthe Hanks (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)¹ of Charge No. 2014CP2561 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 April 10, 2014, the Petitioner filed a perfected charge of discrimination with the Respondent alleging that Illinicare Health Plan (“Illinicare”) denied her the full and equal enjoyment of its services due to her race in violation of Section 5-102(A) of the Illinois Human Rights Act (“Act”). On September 22, 2014, the Respondent dismissed the Petitioner’s charge for lack of jurisdiction. The Petitioner filed a timely Request.

The Commission concludes that the Respondent properly dismissed the Petitioner’s charge for lack of jurisdiction. In a claim under Section 5-102(A), if a business is not a “place of public accommodation” as defined in the Act, the Respondent and Commission lack subject matter jurisdiction over the charge. Cut ‘N Dried Salon v. Dep’t of Human Rights, 306 Ill.App.3d 142, 144, 713 N.E.2d 592, 593 (1999).

In this case, Illinicare is an insurance company, and thus is not a place of public accommodation. Cut ‘N Dried Salon, 306 Ill.App.3d at 146-7. An insurance company does not provide services that are similar to those provided in a restaurant, pub, or bookstore, which are typical businesses covered under Section 5-101(A). See Baksh v. Human Rights Comm’n, 304 Ill.App.3d 995, 1006, 711 N.E.2d 416, 424 (1st Dist. 1999) (concluding that a dental office was not a place of public accommodation because it did not provide services similar to those provided in typical businesses covered under the Act).

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

The Petitioner has not presented any evidence either addressing the issue of jurisdiction or showing that the Respondent's dismissal of the charge was not in accordance with the Act.

THEREFORE, IT IS HEREBY ORDERED THAT:

1. The dismissal of the Petitioner's charge is hereby **SUSTAINED**.
2. 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 Illinicare Health Plan as respondents, with the Clerk of the Appellate Court within 35 days after the date of service of this Order.

STATE OF ILLINOIS)
) **Entered this 7th day of November 2018.**
HUMAN RIGHTS COMMISSION)

Chair Rose Mary Bombela-Tobias

Commissioner Patricia Bakalis Yadgir

Commissioner Michael Bigger
