

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

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

GREGORY DORSEY,)

Petitioner.)

CHARGE NO.: **2014CF2206**
EEOC NO.: **21BA41049**
ALS NO.: **14-0548**

ORDER

This matter coming before the Commission by a panel of three, Commissioners Michael Bigger, Amy Kurson and Cheryl Mainor presiding, upon the Request for Review (“Request”) of Gregory Dorsey (“Petitioner”) of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)¹ of Charge No. 2014CF2206 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 January 25, 2014, the Petitioner effectively filed a charge of discrimination by submitting a Complainant Interview Sheet to the Respondent. On April 3, 2014, the Petitioner filed a perfected charge of discrimination alleging that Illinois State Police (“Employer”) failed to issue him his earned credentials as of January 2014, in retaliation for his prior charges of discrimination, in violation of Section 6-101(A) of the Illinois Human Rights Act (“Act”). On October 10, 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. A charge of discrimination must be filed within 180 days of the date that a civil rights violation allegedly has been committed. 775 ILCS 7A-102(A)(1). If a charge is not timely filed, the Respondent lacks jurisdiction to investigate the merits of the charge. Pickering v. Illinois Human Rights Commission, 146 Ill. App. 3d 340, 352 (2nd Dist. 1986).

In this case, the Petitioner argued that he was discriminated against because he had not received the credentials he had earned in 2012 as of January 2014. The Petitioner stated that he told one Commander in November 2011 after completing the training for the rank of Special Agent that he had not received his credentials. There is evidence, however, that there were additional requirements to the promotion, and that those were not completed until 2012. The Petitioner stated

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.”

that when he was promoted, he told his current Commander on April 16, 2012 that he still had not received his credentials. He continued to inquire about the missing credentials through January 2014.

The Petitioner filed a perfected charge of discrimination with the Respondent on April 3, 2014, but the date of January 25, 2014, at which time he filled out a Complainant Information Sheet, controls the end date of the jurisdictional toll. See 56 Ill. Adm. Code 2520.350. Thus, for the Respondent to have jurisdiction over this charge, the aggrieved event must have occurred within 180 days prior to January 25, 2014, or by July 29, 2013. Here, the Petitioner knew that he had not received the credentials and complained about it as early as April 16, 2012, and such knowledge controls the other end date. See Cano v. Village of Dolton, 250 Ill. App. 3d 130, 138 (1993) (noting that a discriminatory event will be complete and will be considered actionable at the first instant in which a complainant receives notice of the allegedly discriminatory conduct); Lee v. Human Rights Commission, 126 Ill. App. 3d 666, 672 (1st Dist. 1984) (concluding that employer's repeated refusals to change its decision and reinstate employee did not constitute new acts of discrimination). Because the date of April 16, 2012 is over 180 days from the date that the Petitioner's charge was filed, the Respondent did not have jurisdiction over the charge.

The Petitioner has not presented any evidence to show 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 Illinois State Police as respondents, with the Clerk of the Appellate Court within 35 days after the date of service of this Order.

STATE OF ILLINOIS)
)
HUMAN RIGHTS COMMISSION)

Entered this 21st day of November 2018.

Commissioner Michael Bigger

Commissioner Amy Kurson

Commissioner Cheryl Mainor