

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2014CR3626
)	EEOC NO.: 440-2014-00346
MARIA M. PEREZ)	ALS NO.: 15-0040
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Hermene Hartman, Steve Kim, and Cheryl Mainor presiding, upon Maria M. Perez’s (“Petitioner”) Request for Review (“Request”) of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)¹ of Charge No. 2014CR3626 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 November 8, 2013, the Petitioner filed a charge of discrimination with the Respondent alleging that Alivio Medical Center, (“Employer”) subjected her to unequal terms and conditions of employment due to her national origin and in retaliation for opposing unlawful discrimination in violation of Sections 2-102(A) and 6-101(A) of the Illinois Human Rights Act (“Act”). On November 18, 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. Section 2520.490(e) of the Respondent’s Rules and Regulations provides that if the Respondent does not receive notice from the Equal Employment Opportunity Commission’s (EEOC) that a charge has been filed until after the EEOC has issued its determination, the Petitioner has 30 days from receipt of the Petitioner’s notice to submit a copy of the EEOC’s determination to the Respondent. 56 Ill. Admin. Code §2520.490(e).

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.”

In the instant case, the Respondent notified the Petitioner in a February 14, 2014 letter that the Petitioner was required to submit within 30 days, or by March 17, 2014, a copy of the EEOC's final determination. In a letter dated April 15, 2014, the Petitioner responded to the Respondent stating she received Respondent's letter late and requested that Respondent further investigate her discrimination charge. The Petitioner failed to include a copy of the EEOC's final determination as required by Section 2520.490(e) of Respondent's Rules and Regulations. The Petitioner has failed to provide any additional evidence that would grant the Respondent jurisdiction in this matter.

Accordingly, the Petitioner has not presented any substantial 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 Alivio Medical Center, 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 21st day of November 2018

Commissioner Hermene Hartman

Commissioner Steve Kim

Commissioner Cheryl Mainor

