

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE No.: 2014 CR 3649
Victor King,)	EEOC No.: 440-2014-03519
)	ALS No.: 15-0108
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Hermene Hartman, Steve Kim, and Cheryl Mainor, presiding upon the Matter of Petitioner Victor King's Request for Review (Request) of the Notice of Dismissal issued by the Illinois Department of Human Rights (Respondent¹), of Charge 2014CR3649, 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 in 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

The Petitioner filed a charge of discrimination on May 7, 2014 with the Equal Employment Opportunity Commission ("EEOC") alleging that his Employer, the Illinois Department of Transportation, discharged him and failed to re-hire him because of his race. On May 9, 2014, the EEOC dismissed the charge because it was filed too late. On July 22, 2014, the Respondent issued a standard letter to the Petitioner advising him to forward the findings to the Respondent within 30 days after he received them should he want the Respondent to further investigate. In December 2014, the Respondent received a letter from the Petitioner requesting that it investigate the charge.

When a charge is filed with the EEOC, the Respondent receives notice, although it does not investigate at that time. The Respondent is tasked with notifying the Petitioner about the Respondent's role during the EEOC's investigation and alerting the Petitioner that he must notify the Respondent within 30 days of receiving the EEOC's final determination of the charge. If the Respondent has not received notice of the charge prior to the EEOC's final decision, the 30-day period begins when the Petitioner receives the Respondent's letter. In this case, the Petitioner met neither of the deadlines. Instead, he asked the Respondent to investigate his charge more than four months after receiving its letter and a full seven months after the EEOC's final

¹ In a Request for Review Proceeding, the Illinois Department of Human Rights is the "Respondent." The party to the underlying charge who is requesting review of the Department's action shall be referred to as the "Petitioner."

determination. Compliance with filing deadlines is necessary to vest the Commission with jurisdiction of the charge. See Sangamon County Sheriff's Department v. Illinois Human Rights Commission, 233 Ill. 2d 125, 141 (2009). Because of the lateness of his request, the Respondent lacks jurisdiction. See 56 Ill. Admin Code 2520.490 (d) & (e).

THEREFORE, IT IS HEREBY ORDERED THAT:

1. The dismissal of the Petitioner's charge for lack of jurisdiction 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 the Illinois Department of Transportation 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 21st day of November 2018.
HUMAN RIGHTS COMMISSION)

Commissioner Hermene Hartman _____

Commissioner Steve Kim _____

Commissioner Cheryl Mainor _____