STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

IN THE MATTER OF:	)		
	)		
MARIA LOURDES RENDON,	)		
	)		
	)		
Complainant,	)	CHARGE NO(S):	2006CF3338
	)	EEOC NO(S):	N/A
and	)	ALS NO(S):	07-622
	)		
RICHARDS-WILCOX, INC.,	)		
	)		
	)		
Respondent.	)		

NOTICE

You are hereby notified that the Illinois Human Rights Commission has not received timely exceptions to the Recommended Order and Decision in the above named case. Accordingly, pursuant to Section 8A-103(A) and/or 8B-103(A) of the Illinois Human Rights Act and Section 5300.910 of the Commission's Procedural Rules, that Recommended Order and Decision has now become the Order and Decision of the Commission.

STATE OF ILLINOIS)
HUMAN RIGHTS COMMISSION) Entered this 17th day of March 2009

N. KEITH CHAMBERS
EXECUTIVE DIRECTOR

STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

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and	)	**Charge No.: 2006CF3338**
	)	**EEOC No.: N/A**
RICHARDS-WILCOX, INC.,	)	**ALS No.: 07-622**
	)	
Respondents.	)	**Judge Gertrude L. McCarthy**

RECOMMENDED ORDER AND DECISION

On October 17, 2007, Respondent filed its *Motion To Dismiss* based upon lack of jurisdiction and its *Memorandum in Support of its Motion to Dismiss*.

On December 10, 2007, Chief Legal Counsel (CLC) of the Illinois Department of Human Rights (Department) issued an order resulting from Complainant's request for review of the Department's prior dismissal of her Charge. That order sustained the Department's dismissal of Charge No. 2006CF3338.

On December 12, 2007, Complaint executed a letter "To whom it may concern" which did not conform to the Commission's Procedural Rules and, further, failed to respond to the jurisdictional issue set forth in Respondent's motion.

On January 2, 2008, Respondent filed a *Reply in Support of Its Motion to Dismiss* in response to Complainant's December 12, 2007 letter.

The Department has filed no response to the pending motion.

The Illinois Department of Human Rights (Department) is an additional statutory agency that has issued state actions in this matter. Therefore, the Department is an additional party of record.

FINDINGS OF FACT

1. On October 11, 2005, Complainant filed a charge with the Department, alleging discrimination based on ancestry, physical handicap and retaliation in violation of the Illinois Human rights Act (Act).

2. On December 10, 2007, the Department issued its order sustaining the dismissal of Complainant's charge based upon the expiration of the Department's investigatory period and Complainant's failure to file a complaint before the Commission on a timely basis. In that letter, Complainant was advised of the 30-day time period (window of opportunity) for her to file a complaint on her own behalf. That window was from June 3, 2007 to July 2, 2007.

3. On August 17, 2007, Complainant filed a *Complaint of Civil Rights Violation* on her own behalf.

4. On or about December 12, 2007 and again on February 7, 2008, Complainant wrote letters in response to the pending motion. Neither letter addressed the jurisdictional issue.

CONCLUSIONS OF LAW

1. A Complainant can only file a complaint on his/her own behalf with the Human Rights Commission during the 30-day period immediately following the expiration of the Department's investigatory period.

2. The Department's investigatory period expired on June 2, 2007 providing Complainant with a window of June 3, 2007 to July 2, 2007.

3. Section 7A-102(G)(2)) of the Illinois Human Rights Act (775 ILCS 5/7A-102(G)(2) grants complainants the ability to file their own complaints before the Commission, but only between 365 and 395 days after a charge of discrimination has been filed or 30 days after such longer period agreed to in writing by all parties.

4. The instant complaint was not timely filed.

DISCUSSION

Respondent argues that Complainant failed to file her complaint in a timely manner. As set forth above, Section 7A-102(G)(2) of the Act authorizes a complainant to file a complaint on her own behalf with the Commission within 30 days after the expiration of 365 days from the filing of her charge of discrimination or after such longer period agreed to by the parties in writing, if the Department has not sooner ordered that no complaint be issued. The statute has been uniformly accepted in case law. See *Smith-Bruce and Lincoln Land Community College District 526,* IHRC, S05-385, September 28, 2006, *Leuellen and White County Coal Corporation,* IHRC, 9081(S), January 26, 1996 and *Quigley and Peoria Civic Center,* IHRC, 4795(W), July 22, 1991

Complainant's window for filing her complaint was between June 3, 2007 and July 2, 2007. Complainant did not file her complaint until August 17, 2007 more than a month after the expiration of the window. Complainant's complaint was, therefore, untimely filed.

RECOMMENDATION

Based upon the foregoing, there is no factual dispute that Complainant failed to file her complaint during the statutory 30-day window for filing such complaints. The Commission, therefore, has no authority to consider the complaint in this matter and it is recommended that the complaint be dismissed with prejudice.

HUMAN RIGHTS COMMISSION

BY:_
GERTRUDE L. MCCARTHY
ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW SECTION

ENTERED: June 9, 2008