STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

IN THE MATTER OF:	)		
	)		
SUSAN BUDZILENI,	)		
	)		
	)		
Complainant,	)	CHARGE NO(S):	2006CF1374
	)	EEOC NO(S):	N/A
and	)	ALS NO(S):	08-0101
	)		
STATE OF ILLINOIS DEPARTMENT OF	)		
COMMERCE & ECONOMIC OPPORTUNITY,	)		
	)		
	)		
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

IN THE MATTER OF:	)
	)
SUSAN BUDZILENI,	)
Complainant,	)
	)
and	)**Charge No: 2006CF1374**
	) **EEOC No: N/A**
STATE OF ILLINOIS DEPARTMENT OF	) **ALS No: 08-101**
COMMERCE & ECONOMIC OPPORTUNITY,	)
Respondent.	)
	)
	)

RECOMMENDED ORDER AND DECISION

This matter is before me on Respondent's motion to dismiss the Complaint for lack of jurisdiction, filed March 19, 2008. The record indicates that the motion has been served upon all Parties and the Illinois Department of Human Rights (Department).

The Illinois Department of Human Rights is an additional statutory agency that has issued state actions in this matter. It is, therefore, named herein as an additional party of record.

FINDINGS OF FACT

The following findings were made from the record:

1. On March 4, 2008, Complainant, on her own behalf, filed a Complaint with the Illinois Human Rights Commission (Commission) based on underlying Charge number 2006CF1374, which Complainant alleges was filed with the Illinois Department of Human Rights (Department) on November 7, 2005. A copy of the Charge was not attached to the Complaint.
2. On March 19, 2008, Respondent filed the instant motion to dismiss contending that the Complaint was prematurely filed because jurisdiction over the Charge rested with the Department at the time the Complaint was filed.

3. The Parties appeared through respective counsel on June 18, 2008 for argument on the motion. Complainant did not file a written response to the motion and represented that she did not oppose the motion.

CONCLUSION OF LAW

The Commission has said, "[w]e will not search the record to find reasons to deny a motion. If a motion appears valid on its face, and if the other side cannot tell us why the motion should not be granted, we will grant the motion." *Jones and Burlington Northern Railroad,* IHRC, 1704, June 23, 1986.

DETERMINATION

This Complaint must be dismissed as the parties agree that, at the time this Complaint was filed, jurisdiction vested in the Department.

DISCUSSION

Respondent contends that, at the time this Complaint was filed, the matter was still pending with the Department. Complainant agrees that the matter is currently under the Department's jurisdiction pursuant to a request for review. Thus, both parties agree that this Complaint was not properly filed with the Commission in accordance with statutory parameters and there is no basis for jurisdiction before the Commission at this time.

RECOMMENDATION

I recommend that this Complaint be dismissed and that the Charge not be dismissed so that the Illinois Department of Human Rights may continue with its ongoing investigation.

HUMAN RIGHTS COMMISSION

By: _____
SABRINA M. PATCH
Administrative Law Judge
Administrative law Section

ENTERED: June 19, 2008