

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF:)

HENRY GLEES,)

Complainant,)

and)

PROFESSIONAL TRANSPORTATION, INC.,)

Respondent.)

CHARGE NO(S): 2008CA1871
EEOC NO(S): N/A
ALS NO(S): 09-0461

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 7th day of January 2011

N. KEITH CHAMBERS
EXECUTIVE DIRECTOR

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF:)	
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HENRY GLEES,)	
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Complainant,)	Charge No. 2008CA1871
)	EEOC No. N/A
and)	ALS No. 09-0461
)	
PROFESSIONAL TRANSPORTATION, INC.,)	
)	
Respondent.)	Judge Reva S. Bauch

RECOMMENDED ORDER AND DECISION

This matter is before the Commission on Respondent's Motion to Dismiss Complainant's Complaint ("Motion") for lack of jurisdiction. Although given an opportunity to respond, Complainant failed to do so. Notwithstanding the same, the Respondent filed a short Reply. This matter is ready for disposition.

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.

Determination

The Complaint failed to file a request for review of the Department's dismissal of Complainant's charge for lack of substantial evidence. Complainant had no authority to file a Complaint before the Commission. Thus, the Commission has no jurisdiction over the Complaint, and it must be dismissed, with prejudice.

Findings of Fact

1. On January 24, 2008, Complainant filed a Charge (No. 2008CA1871) with the Department.

2. On June 18, 2008, the Department issued a Notice of Dismissal For Lack of Substantial Evidence (“Notice of Dismissal”).
3. The Notice of Dismissal notified Complainant that he had the right to seek review of the dismissal by filing a request for review with the Commission by July 22, 2008 or commence a civil action in the appropriate state court within 90 days after receipt of the Notice of Dismissal (by September 16, 2008).
4. The Notice of Dismissal further provided that the Complainant was notified that his charge would be dismissed with prejudice and with no further right to proceed if a timely request for review was not filed with the Commission, or a written complaint was not filed with the appropriate state court.
5. Complainant failed to file a request for review with the Commission.
6. On August 27, 2009, fourteen months after his charge was dismissed with the Department, Complainant filed a Complaint with the Commission.
7. My order of November 18, 2009 set a briefing schedule for this Motion.
8. Complainant has failed to file a response brief.

Conclusions of Law

1. Complainant is an individual claiming to be aggrieved by a violation of the Illinois Human Rights Act, (“Act”), 775 ILCS 5/1-102 *et seq.*
2. The Commission has the authority to determine whether jurisdiction over the Complaint exists.
3. As required by 775 ILCS 5/7A-102(D), Complainant failed to file a timely request for review of the Department’s finding of no substantial evidence, and he has also failed to file a timely civil action in state court.
4. Because Complainant did not file a timely request for review or a timely action in state court, the Commission does not have jurisdiction over the Complaint.

Discussion

The Complainant is not properly before the Commission for several reasons. Before a Complaint can be filed with the Commission, there must be a finding of substantial evidence either by the Department or by the Commission after a timely appeal is taken from the Department's decision. Here, the Department issued a Notice of Dismissal because it found there was no substantial evidence. Thereafter, Complainant failed to timely file a request for review of the dismissal of his charge for lack of substantial evidence. The Department has dismissed the charge, with prejudice.

Recommendation

For the foregoing reasons, Complainant's Complaint is not properly before the Commission. I recommend that the Commission dismiss the Complaint, with prejudice.

HUMAN RIGHTS COMMISSION

BY: _____
REVA S. BAUCH
DEPUTY CHIEF ADMINISTRATIVE LAW JUDGE
ADMINISTRATIVE LAW DIVISION

ENTERED: January 28, 2009