

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2009CA4045
)	EEOC NO.: 21BA90569
TRACY ROHR)	ALS NO.: 10-0107
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Munir Muhammad, Rozanne Ronen, and Charles E. Box, upon Tracy Rohr's ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Department of Human Rights ("Respondent")¹ of Charge No. 2009CA4045; 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 is **SUSTAINED** on the following ground:

LACK OF JURISDICTION

In support of which determination the Commission states the following:

1. On May 7, 2008, the Petitioner filed an unperfected charge of discrimination with the Respondent, which she perfected on February 25, 2009. The Petitioner alleged that on November 8, 2007, the City of Rockford Police Department ("RPD"), discharged her from her position of Police Technician because of her mental disabilities, sleep shift disorder, (Count A), depression, (Count B) and anxiety disorder (Count C); her race, Black (Count D), her sex, female (Count E), and her age, 43 (Count F), in violation of Section 2-102(A) of the Illinois Human Rights Act ("Act").
2. On December 18, 2008, pursuant to the Petitioner's request, the Respondent administratively closed Counts E and F.

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 Department's action shall be referred to as the "Petitioner."

3. On January 8, 2010, the Respondent dismissed Counts A, B, C, and D of the Petitioner's charge for Lack of Jurisdiction. On February 10, 2010, the Petitioner filed this timely Request.
4. The Respondent dismissed the Petitioner's charge for lack of jurisdiction based on the Respondent's determination that the Petitioner had filed her charge more than 180 days after the alleged civil rights violation had occurred.
5. In her Request, the Petitioner submitted several documents, include medical documentation. The Petitioner does not believe the Respondent lacks jurisdiction over her charge.
6. In its Response, the Respondent asks the Commission to sustain its dismissal of the Petitioner's charge for lack of jurisdiction.

CONCLUSION

The Commission concludes the Respondent properly dismissed the Petitioner's charge for lack of jurisdiction.

In all matters except those involving allegations of housing discrimination, a charge must be filed with the Respondent within 180 days after the date the alleged civil rights violation has occurred. See 775 ILCS 5/7A-102(A). This is a jurisdictional requirement. See Trembczynski v. Human Rights Commission, 252 Ill.App.3d 966, 625 N.E.2d 215, 218 (1st Dist. 1993). If the charge is not timely filed with the Respondent, then the Respondent shall be deprived of jurisdiction to investigate the charge.

In this case, the Respondent correctly dismissed the Petitioner's charge for lack of jurisdiction because the Petitioner did not file her charge within the statutory time period. The Petitioner was discharged on November 8, 2007. The Petitioner filed her unperfected charge on May 7, 2008, which was 181 days after the alleged civil rights violation had occurred. As such, the Respondent did not have jurisdiction to investigate the Petitioner's charge.

In the Matter of the Request for Review by: Tracy Rohr

Accordingly, it is the Commission's decision that the Petitioner has not presented any evidence to show that the Respondent's dismissal of her charge was not in accordance with the Act. The Petitioner's Request is not persuasive.

WHEREFORE, IT IS HEREBY ORDERED THAT:

The dismissal of the Petitioner's charge is hereby **SUSTAINED**.

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 City of Rockford Police Department, as Respondents with the Clerk of the Appellate Court within 35 days after the date of service of this Order.

STATE OF ILLINOIS)
)
HUMAN RIGHTS COMMISSION)

Entered this 8th day of September 2010

Commissioner Munir Muhammad

Commissioner Rozanne Ronen

Commissioner Charles E. Box