

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)		
FOR REVIEW BY:)	CHARGE NO.:	2009CA1546
)	EEOC NO.:	21BA90451
SIGIFREDO OLAGUEZ)	ALS NO.:	10-0185
)		
Petitioner.)		

ORDER

This matter coming before the Commission by a panel of three, Commissioners David Chang, Marylee V. Freeman, and Charles E. Box presiding, upon Sigifredo Olaguez’s (“Petitioner”) Request for Review (“Request”) of the Notice of Dismissal issued by the Department of Human Rights (“Respondent”)¹ of Charge 2009CA1546; 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:

EXPIRATION OF TIME TO FILE A COMPLAINT OF CIVIL RIGHTS VIOLATION

In support of which determination the Commission states the following:

1. The Petitioner filed a charge of discrimination with the Respondent on November 11, 2008. The Petitioner alleged in his charge that Metaldyne Light Metals (“Employer”) discharged him from his position as Inspector on June 5, 2008, because of his age, 53, in violation of Section 2-102(A) of the Illinois Human Rights Act (“Act”). The Respondent had 365 days, or until November 19, 2009, to complete its investigation of the Petitioner’s charge. The Respondent did not complete its investigation within 365 days.
2. Thereafter, the Petitioner had 90 days (from November 20, 2009 to February 17, 2010) to file a Complaint of Civil Rights Violation (“Complaint”) with either the Commission or the circuit court.

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. The Respondent did not receive notice from the Petitioner that he had filed a Complaint.
4. On March 9, 2010, the Respondent dismissed the Petitioner's charge for "Expiration of Time Period to File Complaint with the Commission."
5. On March 16, 2010, the Petitioner filed this timely Request. The Petitioner makes no argument in support of his Request.
6. In its Response, the Respondent asks the Commission to sustain its dismissal of the Petitioner's charge. The Respondent argues that it was required to dismiss the Petitioner's charge pursuant to Section 7A-102(G)(3) of the Act because its time to investigate the Petitioner's charge had expired and it had no record the Petitioner had filed a Complaint with the Commission.

Conclusion

The Commission concludes the Respondent properly dismissed the Petitioner's charge pursuant to Section 7A-102(G)(3) of the Act. See 775 ILCS § 5/7A-102(G)(3). Section 7A-102(G)(3) provides in relevant part:

If an aggrieved party files a complaint with the Human Rights Commission or commences a civil action in circuit court....or if the time period for filing a complaint has expired, the Department shall immediately cease its investigation and dismiss the charge of civil rights violation.

Therefore, the Respondent was mandated by the Act to dismiss the Petitioner's charge. The Petitioner presents no argument or evidence to the contrary in his Request.

Accordingly, it is the Commission's decision that the Petitioner has not presented any evidence to show the Respondent's dismissal of his 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 Metaldyne Light Metals, 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

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Entered this 3rd day of November 2010.

Commissioner David Chang

Commissioner Marylee V. Freeman

Commissioner Charles E. Box