



**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

<b>IN THE MATTER OF:</b>	)	
	)	
<b>RODERICK OWENS,</b>	)	
	)	<b>CHARGE: 2000 CF1718</b>
<b>Complainant,</b>	)	<b>EEOC: 21BA01141</b>
	)	<b>ALS NO: 11475</b>
	)	
<b>and</b>	)	
<b>GENUINE PARTS CORP.,</b>	)	

**Respondent.**

**RECOMMENDED ORDER AND DECISION**

This matter comes on to be heard pursuant to Respondent's, Genuine Parts Corporation's (Genuine), Motion to Dismiss Complaint for Lack of Jurisdiction. Complainant, Roderick Owens, did not file a Response. This matter is ready for decision.

*Findings of Fact*

1. On February 7, 2000, Owens filed a charge with the Illinois Department of Human Rights (Department), alleging that Respondent had discriminated against him on the basis of race.
2. On October 2, 2000, the Department issued a Notice of Dismissal, regarding Owens' charge.
3. On October 30, 2000, Owens filed a Request for Review with the Department. Respondent filed a Response to that Request on March 23, 2001.
4. On February 27, 2001, Owens filed a complaint with the Illinois Human Rights Commission, alleging that he had been racially harassed and was a victim of retaliation at the hands of Respondent.
5. On May 8, 2001, this matter was heard pursuant to Respondent's Motion to Dismiss. Complainant appeared, pro se, and indicated that he would retain an attorney by May 16, 2001. Additionally, Owens was ordered to file a Response to the Motion to Dismiss on or before June 8, 2001

6. On May 16, 2001, Respondent appeared, but Complainant did not appear. The matter was continued for status on June 13, 2001. Complainant was served with a copy of the order.
7. On June 13, 2001 Respondent appeared and Complainant did not appear. As of June 13, 2001, Complainant had not filed a Response to the Motion to Dismiss.

#### Conclusions of Law

1. As the Department, at present, is in the process of reviewing its Lack of Substantial Evidence Finding in this case, the Commission does not have jurisdiction in this matter.
2. Since the Commission does not have jurisdiction in this matter, it is appropriate to dismiss the complaint.

#### Discussion

Pursuant to 775 ILCS 5/7-102(G)(2), when a charge of a civil rights violation is filed, the Department, within 365 days must either issue a complaint, or order that no complaint be filed and dismiss the charge with prejudice. If the latter occurs, a complainant may file a request for review with the Department's General Counsel. If the Department's General Counsel finds that there is substantial evidence, then and only then, the Commission obtains jurisdiction over the subsequently filed complaint. See, Fong and ADDECO Group North America, et al., 2000 WL 33301670 (Illinois Hum. Rts. Comm.), Lucas-Watchinski and Abbott Laboratories, 2000 WL 476494 (Ill. Hum. Rts. Comm.).

In the case at bar, Owens sought review of the Department's Finding of a Lack of Substantial Evidence concerning the underlying charge in this case. That Request for

Review is still pending before the Department's General Counsel. Consequently, the Commission does not have jurisdiction over the instant complaint.

RECOMMENDATION

Based upon the foregoing, it is recommended that the complaint be dismissed in its entirety, for lack of jurisdiction.

HUMAN RIGHTS COMMISSION

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BY:  
WILLIAM H. HALL  
ADMINISTRATIVE LAW JUDGE  
ADMINISTRATIVE LAW SECTION

ENTERED: June 26, 2001