



of her charge of discrimination and retaliation for lack of jurisdiction. For the reasons that follow, we affirm.<sup>1</sup>

¶ 3 On October 24, 2016, petitioner filed a charge of discrimination and retaliation with the Department. In the charge, petitioner alleged that the Division of Rehabilitation Services (Division) of the Department of Human Services (1) discriminated against her by denying her the full and equal enjoyment of its services due to her age, and (2) retaliated against her for having filed a previous charge of discrimination against the Division in 2012. Petitioner, who was born in 1949, alleged that on October 20, 2016, a vocational rehabilitation counselor for the Division, Martha Morris, told her she was “too old” to participate in “Ticket to Work,” a jobs program operated by the Division.

¶ 4 The Department investigated the charge. According to the investigator’s report, petitioner stated that Morris made the remark about petitioner being “too old” for the jobs program in 2011. Petitioner also stated that she had not physically returned to the Division since 2011, last had contact with Morris in 2013, no harm occurred to her in October 2016, and she simply had attempted to refile her prior allegations.

¶ 5 The investigator’s report also stated the Division asserted that petitioner had no contact with Morris since 2013, and that the Division last corresponded with petitioner in a letter dated January 3, 2015. According to the investigator’s report, in that letter, the Division explained to petitioner that her Ticket to Work request was assigned to the Division and if she needed assistance, she should contact the Division via phone or the Ticket to Work website. Both a phone

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<sup>1</sup> In adherence with the requirements of Illinois Supreme Court Rule 352(a) (eff. July 1, 2018), this appeal has been resolved without oral argument upon the entry of a separate written order.

number and a website address were included in the letter. On September 15, 2017, the Department found it lacked jurisdiction to consider petitioner's claims because the applicable statutory deadline for filing a charge was 180 days from the time of the alleged civil rights violation.

¶ 6 On September 29, 2017, petitioner filed a request for review with the Commission. On May 14, 2019, the Commission sustained the Department's dismissal of the charge for lack of jurisdiction. In its decision, the Commission observed that petitioner was required to file a charge within 180 days of the alleged civil rights violation, but admitted she last visited the Division in 2011 and last contacted the Division in 2013. Based on these dates, the Commission found that petitioner's "October 2016 charge was woefully untimely."

¶ 7 Petitioner filed a timely petition for direct review in this court on June 10, 2019.

¶ 8 In her *pro se* brief, petitioner contends that her case was dismissed without a hearing, a jury, or a "a reason given." She maintains that although she was given paperwork by a vocational school indicating that she could participate in the jobs program, she was told that she could not. She references a "judge's order" or a "judgment" as authorizing her to work, and asserts that a mistake was made when that order or judgment was not followed.

¶ 9 The Illinois Human Rights Act (Act) provides that it is a civil rights violation for any person, on the basis of unlawful discrimination, to "[d]eny or refuse to another the full and equal enjoyment of the facilities, goods, and services of any public place of accommodation." 775 ILCS 5/5-102(A) (West 2016). "Unlawful discrimination" includes "discrimination against a person because of his or her actual or perceived \*\*\* age." 775 ILCS 5/1-103(Q) (West 2016). It is also a civil rights violation to retaliate against a person because he or she has made a charge under the Act. 775 ILCS 5/6-101(A) (West 2016).

¶ 10 The Act provides that an aggrieved person may file a charge with the Department within a certain time frame. 775 ILCS 5/7A-102(A)(1) (West 2016). If such a charge is timely filed, the Department has authority to investigate the allegations. 775 ILCS 5/7A-102(C) (West 2016). However, an administrative body has no power to act beyond the authority granted to it by the legislature. *Alvarado v. Industrial Comm’n*, 216 Ill. 2d 547, 553 (2005). Thus, if a charge is untimely filed, the Department and the Commission have no authority to consider it. *Weatherly v. Human Rights Comm’n*, 338 Ill. App. 3d 433, 437 (2003). Although the term “jurisdiction” is not strictly applicable in an administrative setting, the Illinois supreme court has held that the term may be employed to designate the authority of an administrative body to act. *Alvarado*, 216 Ill. 2d at 554.

¶ 11 If the Department dismisses a charge as untimely filed, the petitioner may request review of that dismissal by the Commission. 775 ILCS 5/8-103(A)(1) (West 2016). A final decision by the Commission is subject to direct administrative review by this court. 775 ILCS 5/8-111(B)(1) (West 2016). A decision of the Commission that it lacks jurisdiction due to the untimeliness of a charge is subject to *de novo* review. *Board of Education of the City of Chicago v. Cady*, 369 Ill. App. 3d 486, 493 (2006) (citing *Ferrari v. Illinois Department of Human Rights*, 351 Ill. App. 3d 1099, 1103 (2004)); but see *Jones v. Lockard*, 2011 IL App (3d) 100535, ¶¶ 16-17 (applying the clearly erroneous standard because the timeliness of a charge presented a mixed question of fact and law, as the employee alleged that a series of acts cumulatively contributed to a hostile work environment).

¶ 12 On October 24, 2016, when petitioner filed her charge, the Act provided that an aggrieved person was required to file a charge with the Department “[w]ithin 180 days after the date that a

civil rights violation allegedly has been committed.” 775 ILCS 5/7A-102(A)(1) (West 2016).<sup>2</sup> During the Department’s investigation, however, petitioner admitted that Morris made the remark about petitioner being “too old” for the jobs program in 2011 and that petitioner had not physically returned to the Division since 2011. Petitioner further acknowledged that the last contact she had with Morris was in 2013, no harm had occurred to her in October 2016, and on October 24, 2016, she simply had attempted to refile her prior allegations. Thus, petitioner did not file her charge within 180 days of the alleged harm. Because petitioner filed her charge after the 180-day period had expired, it was untimely and the Commission lacked jurisdiction. See *Weatherly*, 338 Ill. App. 3d at 437 (“the Act does not confer upon the Commission the authority to consider complaints based on untimely filed charges”). The Commission’s decision sustaining the Department’s dismissal of the charge for lack of jurisdiction was therefore proper.

¶ 13 For the reasons explained above, we affirm.

¶ 14 Affirmed.

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<sup>2</sup> The time frame for filing a charge has since been extended to 300 days. See Pub. Act 100-588, § 30 (eff. June 8, 2018) (amending 775 ILCS 5/7A-102(A)(1)).