COOK COUNTY COMMISSION ON HUMAN RIGHTS
69 West Washington, Suite 3040
Chicago, Illinois 60602

Gretchen HUNT, Complainant	)	
	)	Case No. 2011E028
v.	)	
	)	Entered: November 18, 2013
THE GUILD HAUS, INC., Respondent	)	
	)	

ORDER

On September 12, 2011, Complainant Gretchen Hunt ("Hunt") filed this action with the Cook County Commission on Human Rights ("Commission") against her former employer, Respondent The Guild Haus, Inc. ("Guild Haus"), for termination based on age and perceived disability in violation of Section 42-35(b) of the Cook County Code of Ordinances ("County Code"). On April 15, 2013, Hunt filed a similar complaint against Guild Haus in the Circuit Court of Cook County ("Circuit Court"). *See Hunt v. Guild Haus, Inc.*, No. 2013L050382. The Commission dismisses Hunt's action pending here because her complaint in the Circuit Court raises some or all of the same issues.

The Cook County Human Rights Ordinance ("Human Rights Ordinance") provides that:

> The filing by a complainant or respondent of a complaint in any court based on some or all of the same issues as are raised in a complaint before the Commission shall automatically terminate the jurisdiction of the Commission over the complaint. In such a case, the Commission shall dismiss the complaint either on its own motion or on the motion of either party.

County Code, § 42-34(d)(5). One purpose of this provision is to avoid the possibility of inconsistent rulings. Such a ruling might arise if the Commission were to resolve the same question of law or fact differently than a court with concurrent jurisdiction over the parties. The Cook County Board of Commissioners ("County Board") avoided this scenario by requiring the Commission to relinquish its jurisdiction under such circumstances. In enacting this jurisdiction-stripping provision, the County Board used the broad term "issues" to encompass both cases filed in federal or state court that state the same legal claims as an action before the Commission as well as cases that state different legal claims but arise out of the same set of operative facts. *Romero v. SDH Services West, LLC*, 2012E021 (CCHRC Sept. 26, 2013).

Here, Hunt alleges that Guild Haus's Executive Director stated on or about March 17, 2011, that "he believed [Hunt] had Alzheimer's disease and, as a result . . . would not be able to perform [her] job duties in the future." Comm. Compl., ¶ II(C)(iv). Because Alzheimer's

disease is associated with older persons and she was replaced by a younger worker, Hunt also alleged that her termination was based on unlawful age discrimination. *Id.* at ¶ II(H).

Hunt's complaint to the Circuit Court arises out of this same set of operative facts. *See* Court Compl., ¶¶ 8-16. Moreover, her complaint pending in the Law Division includes a count for disability discrimination in violation of the Illinois Human Rights Act ("IHRA"). *Id.* at ¶¶ 17-20. This claim for violation of the IHRA is not exactly the same as Hunt's earlier filed claims for violations of the Human Rights Ordinance, but claims under both the State and County regulations raise "some or all of the same issues." *See Romero*, 2012E021. Moreover, because even a complaint in Circuit Court that wholly abandons one of the two counts pending before the Commission raises *some* – if not *all* – of the same issues, the absence of an age discrimination claim in Hunt's Circuit Court complaint is immaterial to the Commission's decision to dismiss.

For the foregoing reasons, the Commission orders that complaint 2011E028 be DISMISSED for LACK OF JURISDICTION.

November 18, 2013

By delegation:

Ranjit Hakim
Executive Director of the Cook County
Commission on Human Rights