

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST	)		
FOR REVIEW BY:	)	CHARGE NO.:	<b>2010SA3391</b>
	)	EEOC NO.:	<b>21BA01839</b>
<b>KATHY JORDAN,</b>	)	ALS NO.:	<b>11-0276</b>
	)		
Petitioner.	)		

**ORDER**

This matter coming before the Commission by a panel of three, Commissioners, Diane M. Viverito<sup>1</sup>, David J. Walsh<sup>2</sup> and Chairman Martin R. Castro<sup>3</sup> presiding, upon Kathy Jordan’s (“Petitioner”) Request for Review (“Request”) of the Notice of Dismissal issued by the Department of Human Rights (“Respondent”) <sup>4</sup> of Charge No. 2010SA3391; 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, **WHEREFORE**, it is hereby **ORDERED** that the Respondent’s dismissal of the Petitioner’s charge is **SUSTAINED** on the following ground:

- A) LACK OF JURISDICTION**
- B) LACK OF SUBSTANTIAL EVIDENCE**

In support of which determination the Commission states the following findings of fact and reasons:

1. On February 16, 2010, the Petitioner filed an unperfected charge of discrimination with the Respondent through the Equal Employment Opportunity Commission (“EEOC”), which was later perfected on May 10, 2010. The Petitioner alleged in her charge that Retirement Housing Foundation d/b/a The Heartland (“Employer”) discharged her because of her age, 49 (Count A), her race, Black (Count B) and in retaliation for having engaged in a protected activity (Count C) in violation of Sections 2-102(A) and 6-101(A) of the Illinois Human Rights Act (“Act”). On March 28, 2011, the Respondent dismissed the Petitioner’s charge for Lack of Jurisdiction and Lack of Substantial Evidence. On April 8, 2011, the Petitioner filed her Request for Review.
2. The Petitioner was employed as a Property Manager for the Employer.
3. In Count A and B of her charge, the Petitioner alleged that on August 20, 2009, she was discharged by the Employer’s Regional Manager. The reasons given for the discharge was battery against a resident of the Employer, failure to disclose cousin relationship, confrontational tone and dismissive attitude when confronted. The Petitioner further alleged in Counts A and B that similarly

---

<sup>1</sup> This Order is in accordance with a vote cast by Commissioner Viverito prior to the expiration of her term  
<sup>2</sup> This Order is in accordance with a vote cast by Commissioner Walsh prior to the expiration of his term.  
<sup>3</sup> This Order is in accordance with a vote cast by Chairman Castro prior to the expiration of his term.  
<sup>4</sup> 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.”

situated non-Black employees under 40 or significantly younger than Petitioner whose behavior was comparable to mine were not discharged.

4. In Count C of her charge, the Petitioner alleged on July 6, 2006, Petitioner filed a charge with the Equal Employment Opportunity Commission (“EEOC”) against the Employer. The Petitioner further alleged that on August 20, 2009, she was discharged by the Employer’s Regional Manager. The reasons given for the discharge was battery against a resident of the Employer, failure to disclose cousin relationship, confrontational tone and dismissive attitude when confronted. Lastly the Petitioner alleged in Count C that the discharge followed Petitioner having filed an earlier charge of discrimination against the Employer within such a period of time as to raise an inference of retaliatory motivation.
5. As to Counts A, B and C, the Employer contends that it discharged the Petitioner because the Petitioner violated the Employer’s conflict of interest policy, the Petitioner was aggressive with her supervisor and she discussed her investigation with a co-worker while the investigation was pending. The Employer further denied that employees who did not engage in protected activity were treated more favorably under similar circumstances.
6. The Respondent’s investigation revealed that throughout 2008, The Employer’s number of employees did not exceed more than eleven (11). Furthermore, for 2009, the Employer’s number of employees did not exceed more than twelve (12). At no relevant point did Employer maintain fifteen or more employees for twenty or more weeks consecutively.
7. In the Petitioner’s Request, the Petitioner stated in her Request that she was confused by the reasons for the dismissal of her charge. The Respondent dismissed her charge for Lack of Jurisdiction yet found there was no Substantial Evidence. The Petitioner further argued that her accuser, who is non-Black, engaged in wrongdoing and was treated more favorably.
8. In its Response, the Respondent asks the Commission sustain its dismissal of Counts A and B of the Complainant’s charge for Lack of Jurisdiction. The Respondent further requests that the Commission sustain the dismissal of Count C because Count C pleads the same exact facts and theories as were fully addressed in Count C of Petitioner’s companion charge, Charge No. 2010CN2758.

## **CONCLUSION**

### Count C

In the Petitioner’s companion case under Charge NO. 2010CN2758, the Respondent, in its Response to a Request for Review in the companion case, recommended to the Commission to vacate its dismissal of Count C of that charge and remand Count C of that case to the Respondent for a finding of Substantial Evidence. The same exact facts and theories were fully addressed in Count C of

