

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2011SA0969
)	EEOC NO.: 21BA10041
VICKIE ELSTON,)	ALS NO.: 12-0176
)	
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Terry Cosgrove, Patricia Bakalis Yadgir, and Marti Baricevic¹ presiding, upon the Request for Review (“Request”) of Vickie Elston (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)² of Charge No. 2011SA0969 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 Petitioner’s charge for **LACK OF SUBSTANTIAL EVIDENCE** is **SUSTAINED**.

DISCUSSION

On October 1, 2010, Petitioner filed a charge of discrimination with the Respondent alleging that Community Workshop & Training Center (“Employer”) discharged her due to her age, physical disabilities, and in retaliation for opposing unlawful discrimination, in violation of Sections 2-102(A) and 6-101(a) of the Illinois Human Rights Act.

On July 26, 2011, the Respondent dismissed the Petitioner’s charge in its entirety. The Petitioner filed a timely Request.

To show a *prima facie* case that Employer discriminated against her based on her age or disabilities by discharging her, Petitioner must show: 1) she is a member of a protected class; 2) she was performing her work satisfactorily; 3) she was subject to an adverse action; and 4) the Employer treated a similarly situated employee outside her protected class more favorably under similar circumstances. Marinelli v. Human Rights Comm’n, 262 Ill. App. 3d 247, 253-54 (2d Dist. 1994). If the Petitioner presents a *prima facie* case, the Employer must then produce a legitimate, nondiscriminatory reason for its action, and Petitioner must prove that this reason is a pretext for discrimination. Zaderaka v. Illinois Human Rights Comm’n, 131 Ill. 2d 172, 179 (1989).

¹ This Order is in accordance with votes cast by Commissioners Baricevic and Cosgrove prior to the expiration of their terms.
² 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 Illinois Department of Human Rights’s action shall be referred to as the “Petitioner.”

