

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2011CF3324
)	EEOC NO.: 21BA11734
DEANGELO WOODS,)	ALS NO.: 12-0197
)	
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Duke Alden, Patricia Bakalis Yadgir, and Terry Cosgrove¹ presiding, upon the Request for Review (“Request”) of Deangelo Woods (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)² of Charge No. 2011CF3324 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 May 9, 2011, the Petitioner filed a charge of discrimination with the Respondent alleging that Solutions Manufacturing (“Employer”) discriminated against him because of his race, by subjecting him to harassment from the company president (Count A); sending him home from work early (Count B); and reducing his salary (Count C), in violation of Section 2-102(A) of the Illinois Human Rights Act (“Act”).

On December 22, 2011, the Respondent dismissed the Petitioner’s charge in its entirety. The Petitioner filed a timely Request.

Petitioner was hired as a Machine Operator on March 14, 2011. On April 11, Employer gave Petitioner a wage increase. Petitioner alleged that between April 27 and May 4, 2011, Employer’s company president harassed him. On May 4, 2011, the company president criticized Petitioner’s work, the two argued, and the president sent Petitioner home. Petitioner interpreted this as a temporary measure, while the president maintains that he actually fired Petitioner on that date. However, Petitioner returned to work the next day, May 5, and the company president reduced Petitioner’s salary, saying that his skills were not at the expected level.

¹ This Order is in accordance with a vote cast by Commissioner Cosgrove prior to the expiration of his term.
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.”

As to Count A, Petitioner has not shown an actionable harassment claim. Harassment must be so severe and pervasive that it alters the conditions of employment and creates an abusive working environment. Harris v. Forklift Systems, Inc., 510 U.S. 17, 20 (1993). The actions Petitioner describes (screaming and swearing while criticizing Petitioner’s work product) do not rise to that level. “Heavy-handed management” is unpleasant but not necessarily motivated by discriminatory animus, and so not actionable. Patel v. Allstate Insurance, 105 F.3d 365 (7th Cir. 1997).

As to Counts B and C, there is no substantial evidence that the Employer discriminated against the Petitioner based on his race. Generally, to establish a *prima facie* case of discrimination, the Petitioner must show: 1) he is a member of a protected class; 2) he was performing his work satisfactorily; 3) he was subject to an adverse action; and 4) the Employer treated a similarly situated employee outside his protected class more favorably under similar circumstances. Marinelli v. Human Rights Comm’n, 262 Ill. App. 3d 247, 634 N.E.2d 463 (2d Dist. 1994). Petitioner’s claim fails at the fourth element, as he did not present any similarly-situated non-black employees who were treated more favorably. Further, the fact that the company president had hired Petitioner only a few months before, and gave him a wage increase, indicates that there was no racial animus in disciplining him later on. Harris v. Warrick County Sheriff’s Dept., 666 F.3d 444, 449 (7th Cir. 2012).

Accordingly, the Petitioner has not presented any evidence to show that the Respondent’s dismissal of the charge was not in accordance with the Act.

THEREFORE, IT IS HEREBY ORDERED THAT:

1. The dismissal of the Petitioner’s charge is hereby **SUSTAINED**.
2. This is a final Order. A final Order may be appealed to the Appellate Court by filing a petition for review, naming the Illinois Human Rights Commission, the Illinois Department of Human Rights, and Solutions Manufacturing, Inc., as respondents, with the Clerk of the Appellate Court within 35 days after the date of service of this Order.

STATE OF ILLINOIS)
) **Entered this 10th day of October 2018.**
HUMAN RIGHTS COMMISSION)

Commissioner Duke Alden

Commissioner Terry Cosgrove

Commissioner Patricia Bakalis Yadgir