

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2011CF3600
)	EEOC NO.: 21BA11942
DEANGELO WOODS,)	ALS NO.: 12-0198
)	
)	
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. 2011CF3600 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

In ALS No. 12-0197, Petitioner asked us to review the Respondent’s Dismissal of his charge that his employer, Solutions Manufacturing (“Employer”) discriminated against him because of his race, in violation of Section 2-102(A) of the Illinois Human Rights Act (“Act”). On June 7, 2011, Petitioner filed a charge with the Respondent alleging that after he filed that first charge with the Department, Employer fired him in retaliation, in violation of Section 6-101(a) of the 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. On May 9, Petitioner filed a charge of racial discrimination with Respondent, alleging that he had been harassed by the company president, sent home, and had his wages reduced.

Petitioner alleges that, on June 6, 2011, he got into a disagreement with a coworker over the radio station playing in their workspace, and the coworker used a racial slur. Both Petitioner and the coworker went to the company president, who fired Petitioner.

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.”

A *prima facie* case of retaliation requires evidence that the Petitioner engaged in a protected activity, that they suffered an adverse action, and that there is evidence of a causal connection between the protected activity and the adverse action. See Welch v. Hoeh, 314 Ill. App. 3d 1027, 1035, 733 N.E.2d 410, 416 (3rd Dist. 2000). 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). Assuming that Petitioner did present a *prima facie* case, Employer produced a legitimate, nondiscriminatory reason for discharging him: he escalated his disagreement with a coworker into yelling and threats while pounding his fist into his palm, to the point that other employees were frightened that he might become violent, and so he was discharged for insubordination. Petitioner did not prove otherwise. Further, the fact that the company president had hired Petitioner only a few months before 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