

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2011CF1335
)	EEOC NO.: 21BA10311
CELINA CHALAS,)	ALS NO.: 12-0262
)	
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Lauren Beth Gash, David J. Walsh, and Diane M. Viverito¹ presiding, upon the Request for Review (“Request”) of Celina Chalas (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)² of Charge No. 2011CF1335 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 November 10, 2010, Petitioner filed a charge with the Respondent alleging that Resurrection Health Care, d/b/a St. Benedict Nursing and Rehabilitation Center (“Employer”) discharged her because of her ancestry and in retaliation for opposing unlawful discrimination, in violation of Sections 2-102(A) and 6-101(A) of the Act.

On February 7, 2012, the Respondent dismissed the Petitioner’s charge in its entirety. The Petitioner filed a timely Request.

Generally, to establish a *prima facie* case of discrimination based on ancestry, the 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 (2d Dist. 1994). The Employer may 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). Petitioner’s claim fails at this point. After a patient’s family member complained about Petitioner soliciting for her side business, Petitioner was instructed not to contact the family member, but she did so anyway.

¹ This Order is in accordance with votes cast by Commissioners Gash, Walsh, and Viverito 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.”

This was a legitimate, nondiscriminatory reason for Employer to discharge Petitioner, and Petitioner has not proven that this reason is pretextual.

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, (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, 131 Ill. 2d at 179. Even assuming that Petitioner presented a *prima facie* case, Employer produced a legitimate reason for discharging her: solicitation of a patient's family and disobeying instructions. Petitioner has not proven that this was pretextual.

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 Resurrection Health Care, d/b/a St. Benedict Nursing and Rehabilitation Center, 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 11th day of October 2018.**
HUMAN RIGHTS COMMISSION)

Commissioner Lauren Beth Gash

Commissioner Diane M. Viverito

Commissioner David J. Walsh