

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2011CP1285
)	EEOC NO.: N/A
KEVIN E. SCOTT,)	ALS NO.: 12-0321
)	
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Hamilton Chang, Steve Kim, and Robert A. Cantone presiding, upon the Request for Review (“Request”) of Kevin E. Scott (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)¹ of Charge No. 2011CP1285 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 the Petitioner’s charge for **LACK OF SUBSTANTIAL EVIDENCE** is **SUSTAINED**.

DISCUSSION

On November 4, 2010, the Petitioner filed a charge of discrimination with the Respondent alleging that the West Cook YMCA (“YMCA”) denied him the full and equal enjoyment of its facilities in retaliation for his 2008 discrimination complaint against it, in violation of Sections 5-102(A) and 6-101(A) of the Illinois Human Rights Act (“Act”).

On February 3, 2012, the Respondent dismissed the Petitioner’s charge in its entirety. The Petitioner filed a timely Request.

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). Petitioner failed to show a causal nexus between his January 2008 discrimination complaint and being denied a membership application in October 2010 (over two years later). Even if Petitioner had presented a *prima facie* case, he would still fail, because the YMCA produced a legitimate, nondiscriminatory reason for its action, and Petitioner has not proved that this reason is a pretext for discrimination. Zaderaka v. Illinois Human Rights Comm’n, 131 Ill. 2d 172, 179 (1989). Specifically, the YMCA listed a number of incidents in the preceding years where Petitioner had been disruptive and abusive to YMCA staff (incidents which Petitioner does not deny). This behavior is a legitimate reason to deny Petitioner membership at the YMCA.

¹ 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.”

