

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST	)	
FOR REVIEW BY:	)	CHARGE NO.: <b>2012CH1183</b>
	)	HUD NO.: <b>05-12-0101-8</b>
<b>CAROL BAILEY,</b>	)	ALS NO.: <b>12-0338</b>
	)	
	)	
Petitioner.	)	

**ORDER**

This matter coming before the Commission by a panel of three, Commissioners Lauren Beth Gash<sup>1</sup>, Hermene Hartman, and Nabi R. Fakroddin presiding, upon the Request for Review (“Request”) of Carol Bailey (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)<sup>2</sup> of Charge No. 2012CH1183 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 27, 2011, the Petitioner filed a charge of discrimination with the Respondent alleging that Heartland Housing, Inc. (“Landlord”) subjected her to discriminatory terms, conditions, privileges, or services and facilities because of her religion, age, and disability, in violation of Sections 3-102(B) and 3-102.1(B) of the Illinois Human Rights Act (“Act”). Petitioner alleged that ex-husband, who had committed domestic violence against her in the past, had been using the Landlord’s maintenance man to gain access to Petitioner’s unit and steal her belongings. When Petitioner informed the Landlord, the Landlord refused to reassign the maintenance man to another building.

On February 23, 2012, the Respondent dismissed the Petitioner’s charge in its entirety. The Petitioner filed a timely Request.

Petitioner must show that she was a member of a protected class; the Landlord was aware of her membership; the Landlord subjected her to an adverse action; the Landlord did so because of her membership in a protected class; and the Landlord treated similarly situated tenants who were not members of that class more favorably under similar circumstances. Petitioner’s claim fails at the final step. She identified two instances in which the Landlord’s employees had been reassigned after tenant complaints, but those two circumstances were not similar to Petitioner’s allegations. In one case, the employee had been arrested for assaulting a building resident; in the other case, the

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<sup>1</sup> This Order is in accordance with a vote cast by Commissioner Gash prior to the expiration of her term.  
<sup>2</sup> 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.”

employee had obtained a restraining order against the resident. Neither case is similar to Petitioner's, where the Landlord investigated Petitioner's complaint and found no evidence that the maintenance man knew Petitioner's ex-husband or had allowed him to enter her unit.

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 Heartland Housing, 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 Nabi R. Fakroddin

Commissioner Lauren Beth Gash

Commissioner Hermene Hartman