

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST	)	
FOR REVIEW BY:	)	CHARGE NO.: <b>2011CF1894</b>
	)	EEOC NO.: <b>21BA10698</b>
<b>DORIANA PALOMBINO,</b>	)	ALS NO.: <b>12-0359</b>
	)	
	)	
Petitioner.	)	

**ORDER**

This matter coming before the Commission by a panel of three, Commissioners Duke Alden, Patricia Bakalis Yadgir, and Terry Cosgrove<sup>1</sup> presiding, upon the Request for Review (“Request”) of Doriana Palombino (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)<sup>2</sup> of Charge No. 2011CF1894 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 January 5, 2011, the Petitioner filed a charge of discrimination with the Respondent alleging that American Laser Centers (“Employer”) discharged her because of her physical disability, in violation of Section 2-102(A) of the Illinois Human Rights Act (“Act”).

On March 20, 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 disability, Petitioner must show (1) that she is disabled within the meaning of the Act; (2) the employer had knowledge of the disability; (3) the Petitioner suffered an adverse employment action; and (4) the disability is unrelated to Petitioner’s ability to perform the job with or without an accommodation. Habinka v. Human Rights Commission, 192 Ill.App.3d 343, 373 (1st Dist. 1989). To rebut the *prima facie* case, the Employer can then present a legitimate, nondiscriminatory reason for its action. Id. at 372. Here, the Employer’s reason was that Petitioner had not obtained an esthetician’s license, as required by statute and the Employer’s corporate office. Petitioner has not shown that this reason 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.

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

