

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST	)	
FOR REVIEW BY:	)	CHARGE NO.: <b>2011CA2926</b>
	)	EEOC NO.: <b>21BA11444</b>
<b>RAYMOND SPELLER,</b>	)	ALS NO.: <b>12-0386</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 Raymond Speller (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)<sup>2</sup> of Charge No. 2011CA2926 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 April 4, 2011, the Petitioner filed a charge of discrimination with the Respondent alleging that Salvation Army Chicago Temple Corps (“Employer”) discharged him because of his age, race (black), and sex, in violation of Section 2-102(A) of the Illinois Human Rights Act (“Act”). Petitioner was working a seasonal position as a Bell Ringer when he was asked not to return for the remainder of the season, because he had not met his daily quota of donations.

On April 2, 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, the Petitioner must show: 1) he is a member of a protected class; 2) he was performing his work satisfactorily; 3) he was subject to an adverse action; and 4) the Employer treated a similarly situated employee outside his protected class more favorably under similar circumstances. Marinelli v. Human Rights Comm’n, 262 Ill. App. 3d 247, (2d Dist. 1994). Petitioner’s claim fails at the second and fourth prongs. He admits that, in the days leading up to his dismissal, he had failed to meet the Employer’s daily quota of donations for Bell Ringers, so he was not performing his work satisfactorily. Further, the Respondent was unable to verify the existence of Petitioner’s proffered comparable employee, outside his protected classes, who was not dismissed. Employer provided a list of Bell Ringers who had been dismissed, including

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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.”

a younger white female who was dismissed the same date as Petitioner, for not meeting her donation quota.

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 Salvation Army Chicago Temple Corps, 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 24th day of October 2018.**  
**HUMAN RIGHTS COMMISSION** )

Commissioner Duke Alden

Commissioner Terry Cosgrove

Commissioner Patricia Bakalis Yadgir