

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST	)	
FOR REVIEW BY:	)	CHARGE NO.: <b>2012CR1407</b>
	)	EEOC NO.: <b>440-2011-05725</b>
<b>GLORIA PRUITT-MOORE,</b>	)	ALS NO.: <b>12-0452</b>
	)	
Petitioner.	)	

**ORDER**

This matter coming before the Commission by a panel of three, Commissioners Diane M. Viverito,<sup>1</sup> Michael Bigger, and Amy Kurson presiding, upon Gloria Pruitt-Moore's ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Illinois Department of Human Rights ("Respondent")<sup>2</sup> of Charge No. 2012CR1407 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 September 15, 2011, the Petitioner filed a charge of discrimination with the Respondent alleging that Bellwood Police Department ("Employer") suspended her due to her sex in violation of Section 2-102(A) of the Illinois Human Rights Act ("Act"). On May 21, 2012, the Respondent dismissed the Petitioner's charge for lack of substantial evidence. The Petitioner filed a timely Request.

The Commission concludes that the Respondent properly dismissed the Petitioner's charge for lack of substantial evidence. If no substantial evidence of discrimination exists after the Respondent's investigation of a charge, the charge must be dismissed. 775 ILCS 5/7A-102(D). Substantial evidence exists when the evidence is such that a reasonable mind would find the evidence sufficient to support a conclusion. In re Request for Review of John L. Schroeder, IHRC, Charge No. 1993CA2747, 1995 WL 793258, \*2 (March 7, 1995).

To establish a *prima facie* case of employment discrimination, the Petitioner must show that: 1) Petitioner is a member of a protected group; 2) she performed her job satisfactorily; 3) the employer took adverse action against her despite the adequacy of her work; and 4) a similarly situated employee, who is not a member of the protected group, was not subjected to the same adverse action. Anderson v. Chief Legal Counsel, 334 Ill. App. 3d 630, 634 (3d Dist. 2002).

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<sup>1</sup> This Order is in accordance with a vote cast by Commissioner Viverito 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."

There is no substantial evidence that Petitioner was suspended due to her sex. The investigation revealed that the Petitioner was issued a five-day suspension because she violated three department rules by calling for copier repair without discussing it with her supervisor, and then being rude to the repairman when he came. This suspension was not the first time the Petitioner had been disciplined at work. Therefore, the Petitioner cannot prove the second element of her *prima facie* case: that she was performing her job satisfactorily. Further, Petitioner cannot point to a similarly situated male employee who engaged in the same behavior as Petitioner but was not disciplined. Rather, the Petitioner points to two women who were treated better than her, one of whom was identified as being white. However, the Petitioner has not alleged discrimination based on race, so these employees cannot be used for comparison.

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 Bellwood Police Department 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 1st day of November 2018.**  
**HUMAN RIGHTS COMMISSION** )

Commissioner Diane M. Viverito

Commissioner Michael Bigger

Commissioner Amy Kurson