

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2012SN0517
)	EEOC NO.: N/A
RACINE ROBINSON,)	ALS NO.: 12-0482
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Nabi R. Fakroddin, Hermene Hartman, and Lauren Beth Gash¹ presiding, upon Racine Robinson's ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Illinois Department of Human Rights ("Respondent")² of Charge No. 2012SN0517 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 June 23, 2011, the Petitioner filed a charge of discrimination with the Respondent alleging that Decatur Memorial Hospital ("Employer") harassed him because of his race and threatened him with discharge in retaliation for threatening to file a charge of discrimination in violation of Sections 2-102(A) and 6-101(A) of the Illinois Human Rights Act ("Act"). On June 27, 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).

In order to prove discriminatory harassment, the Petitioner must establish that he was harassed on the basis of his race and that the harassment was so severe or pervasive that it altered the conditions of his employment and created an abusive environment. In re Luisa Tapia, et al. and Genlyte Thomas Group, IHRC, Charge No. 2000CF0871, 2002 WL 32828305 (December 16, 2002).

¹ This Order is in accordance with a vote cast by Commissioner Gash prior to the expiration of her term.

² 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."

To prove a *prima facie* case of retaliation, the Petitioner must prove the following three elements: (1) Petitioner engaged in a protected activity, (2) the employer took an adverse action against him, and (3) there was a causal nexus between the protected activity and the adverse action. Carter Coal Co. v. Human Rights Commission, 261 Ill. App. 3d 1, 7 (5th Dist. 1994).

There is no substantial evidence that Petitioner was subjected to a hostile work environment because of his race. The Petitioner points to isolated incidents that, when taken together, do not rise to the level of severe or pervasive harassment which altered the conditions of his work. The Petitioner alleged that he had been singled out for a drug test, but the investigation revealed that the Petitioner had been acting erratically, and the Employer had reserved the right to administer a drug test at any time. The Petitioner also alleged that his supervisor had asked him where to buy crack, told the Petitioner that "I don't need you on my team," and intentionally placed needles in the disposal so the Petitioner would stab himself when he was emptying it. The Petitioner was unable to provide any proof that he was stabbed because of an action taken by his supervisor, and the other incidents of verbal harassment are not severe enough to be actionable.

The Petitioner also cannot establish that he was threatened with discharge in retaliation for telling his Employer he planned to file discrimination charges. Respondent's investigation determined that the Petitioner spoke to his Employer on the phone, at which point his Employer discussed the issues he was having with the Petitioner regarding the attendance policy and Petitioner's frequent absences. The Petitioner cannot establish the causal nexus between the threat of discharge and his plan to file a discrimination charge.

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 Decatur Memorial Hospital as respondents, with the Clerk of the Appellate Court within 35 days after the date of service of this Order.

STATE OF ILLINOIS)
)
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Entered this 5th day of November 2018.

Commissioner Nabi R. Fakroddin

Commissioner Hermene Hartman

Commissioner Lauren Beth Gash