

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST	)	
FOR REVIEW BY:	)	CHARGE NO.: <b>2010CN4336</b>
	)	EEOC NO.: <b>440-2010-04889</b>
<b>MOHAMED H. PATEL,</b>	)	ALS NO.: <b>12-0499</b>
	)	
Petitioner.	)	

**ORDER**

This matter coming before the Commission by a panel of three, Commissioners Nabi R. Fakroddin, Hermene Hartman, and Lauren Beth Gash<sup>1</sup> presiding, upon Mohamed H. Patel'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. 2010CN4336 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 30, 2010, the Petitioner filed a charge of discrimination with the Respondent alleging that Wal-Mart Stores, Inc. ("Employer") discharged him due to his age in violation of Section 2-102(A) of the Illinois Human Rights Act ("Act"). On May 17, 2012, after vacating a previous dismissal and remanding for further investigation, the Respondent again 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) he performed his job satisfactorily; 3) the employer took adverse action against him despite the adequacy of his 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).

<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."

