

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2011SP2763
)	EEOC NO.: N/A
ISAIAH CRAWFORD,)	ALS NO.: 12-0536
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Diane M. Viverito,¹ Michael Bigger, and Amy Kurson presiding, upon Isaiah Crawford's ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Illinois Department of Human Rights ("Respondent")² of Charge No. 2011SP2763 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**:

- A. The Respondent's dismissal of Count A of the Petitioner's charge for **LACK OF JURISDICTION** is **SUSTAINED**.
- B. The Respondent's dismissal of Counts B, C, D, and E of the Petitioner's charge for **LACK OF SUBSTANTIAL EVIDENCE** is **SUSTAINED**.

DISCUSSION

On November 26, 2010, the Petitioner filed a charge of discrimination with the Respondent alleging that Project Now denied him the full enjoyment of its services because of his race and in retaliation for opposing unlawful discrimination in violation of Sections 5-102(A) and 6-101(A) of the Illinois Human Rights Act ("Act"). On March 23, 2012, the Respondent dismissed Count A of the Petitioner's charge for lack of jurisdiction and Counts B, C, D and E for lack of substantial evidence. The Petitioner filed a timely Request.

The Commission finds that the Respondent properly dismissed Count A of the Petitioner's charge for lack of jurisdiction. The Act provides that a charge must be filed within 180 days after the date that a civil rights violation allegedly has been committed. 775 ILCS 5/7A-102(A). This requirement is jurisdictional, meaning that if the Petitioner does not file his charge within the 180 day time limit, neither the Respondent nor the Commission have the jurisdiction to proceed on the charge. Trembczynski v. Human Rights Comm'n, 252 Ill. App. 3d 966, 969 (1st Dist. 1993). Count A alleges that Project Now employees watched him walk to his car after leaving the premises on May 17, 2010.

¹ This Order is in accordance with a vote cast by Commissioner Viverito 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."

As this alleged act occurred more than 180 days prior to the filing of this charge, the Respondent's dismissal was proper.

The Commission further concludes that the Respondent properly dismissed Counts B, C, D, and E of 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 prove discrimination in the provision of public goods and services, the Petitioner must prove that 1) he is in a protected class, 2) he was denied full enjoyment of Respondent's facilities and services, and 3) others not within his protected class were given full enjoyment of those facilities. In re Walter Henry, Jr. and TCF National Bank of Illinois, Charge No. 1999CP0242, 2003 WL 24045369, *3 (April 28, 2003).

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 facility 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 denied any services because of his race or in retaliation. Counts B and C of the charge state that Petitioner's letters requesting information on services were ignored by Project Now. However, the investigation did not reveal any information that the Petitioner was denied. It is uncontested that he was provided with brochures detailing the programs offered and their requirements.

Counts D and E allege that he was denied full enjoyment of the utility assistance program because of his race and in retaliation. The investigation revealed that the Petitioner was denied the use of this service because he did not meet the income requirements. Further, the Petitioner could not point to someone who was not a member of his protected class who had been granted utility assistance even though he or she did not financially qualify. The Petitioner pointed to a woman who had been granted assistance, but the investigation revealed that she was both a member of the Petitioner's protected class and that she financially qualified for the program.

Even had the Petitioner been able to demonstrate that he was denied a service he otherwise was eligible for, he would not be able to prove that that denial was in retaliation for opposing unlawful discrimination because he cannot demonstrate a causal nexus between the denial of services and the protected activity. The Petitioner's charge states that he opposed unlawful discrimination in 1999 and again in 2009. However, he was denied utility assistance in June 2010. There is an inference that the third prong of the retaliation analysis, the causal nexus, has been satisfied when the period of time between the protected activity and the alleged retaliation is sufficiently close. Previous decisions have

