

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2012SP2780
)	EEOC NO.: N/A
CATHY L. BRINKLEY,)	ALS NO.: 12-0639
)	
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Duke Alden, Patricia Bakalis Yadgir, and Terry Cosgrove¹ presiding, upon the Request for Review (“Request”) of Cathy L. Brinkley (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)² of Charge No. 2012SP2780 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 March 28, 2012, the Petitioner filed a charge of discrimination with the Respondent alleging that Lincoln Land Community College (“College”) denied her the full and equal enjoyment of its facilities and services because of her sex, in violation of Section 5-102(A) of the Illinois Human Rights Act (“Act”). Petitioner took a commercial truck-driving class at College, and alleges that the director giggled at her, asked her why she did not like him, and asked whether she was “messing up on purpose,” while the instructor did not joke with her during class and commented that she was “not cut out to be a truck driver” after she failed the Secretary of State’s driving test.

On July 17, 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 concerning a public accommodation, the Petitioner must show: 1) she is a member of a protected class; 2) she was denied full and equal enjoyment of the facilities and services; and 3) similarly situated individuals outside her protected class were treated more favorably. See In the Matter of Velma J. Henderson and Steak N Shake, Inc., IHRC, Charge No. 1996CP2939, 1999 WL 33252627, *9 (March 24, 1994). Petitioner’s charge fails at the second prong. She was not prohibited from participating in the truck-

¹ This Order is in accordance with a vote cast by Commissioner Cosgrove prior to the expiration of his 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.”

driving class; she was allowed to take the class, and the College provided her with extra instruction, free of charge, when she had difficulty with the material.

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 Lincoln Land Community College, 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 2nd day of November 2018.**
HUMAN RIGHTS COMMISSION)

Commissioner Duke Alden

Commissioner Terry Cosgrove

Commissioner Patricia Bakalis Yadgir