

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2012CF2629
)	EEOC NO.: 21BA21240
NATIVIDAD VALLES,)	ALS NO.: 12-0773
)	
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Duke Alden, Charlene Foss-Eggemann,¹ and Patricia Bakalis Yadgir presiding, upon the Request for Review (“Request”) of Natividad Valles (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)² of Charge No. 2012CF2629 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 7, 2012, the Petitioner filed a charge of discrimination with the Respondent alleging that Hasse & Wrede North America (“Employer”) harassed him because of his ancestry, in violation of Section 2-102(A) of the Illinois Human Rights Act (“Act”). Petitioner was working as a machine operator on September 15, 2011, when he went to the restroom but found that the one stall had clothing hanging in it and seemed to be occupied. He returned later and found that it still appeared to be occupied, so he used another restroom in Employer’s office. Afterwards, he was warned not to use the office restroom again or he would be fired. Later, his supervisor told him that the supervisor had placed clothing in the restroom stall as a joke.

On October 2, 2012, the Respondent dismissed the Petitioner’s charge in its entirety. The Petitioner filed a timely Request.

Petitioner has not presented a case that he was harassed because of his ancestry. Harassment must be so severe and pervasive that it alters the conditions of employment and creates an abusive working environment. Harris v. Forklift Systems, Inc., 510 U.S. 17, 20 (1993). The actions alleged by petitioner (a silly joke by his supervisor, and then being told not to use the office bathroom), over the course of one day, do not qualify as severe or pervasive.

¹ This Order is in accordance with a vote cast by Commissioner Foss-Eggemann 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.”

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 Hasse & Wrede North America 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 16th day of November 2018.**
HUMAN RIGHTS COMMISSION)

Commissioner Duke Alden

Commissioner Charlene Foss-Eggemann

Commissioner Patricia Bakalis Yadgir