

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2012CA0697
)	EEOC NO.: 21BA12756
DEBORAH THRELKELD,)	ALS NO.: 13-0055
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Nabi R. Fakroddin, Hermene Hartman, and Eleni Bousis presiding, upon Deborah Threlkeld's ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Illinois Department of Human Rights ("Respondent")¹ of Charge No. 2012CA0697 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 September 13, 2011, the Petitioner filed a charge of discrimination with the Respondent alleging that John H. Stroger, Jr. Hospital of Cook County ("Employer") denied her a transfer because of her age and in retaliation for opposing unlawful discrimination in violation of Sections 2-102(A) and 6-101(A) of the Illinois Human Rights Act ("Act"). On November 8, 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).

To establish a *prima facie* case of employment discrimination, the Petitioner must show: 1) she is a member of a protected class; 2) she was performing her job satisfactorily; 3) she was subject to an adverse action; and 4) the Employer treated a similarly situated employee outside her protected class more favorably under similar circumstances. Marinelli v. Human Rights Comm'n, 262 Ill. App. 3d 247, 253 (2d Dist. 1994). 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

¹ 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."

adverse action against her, 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).

The Petitioner has established the *prima facie* elements of her age discrimination claim: she applied for and was denied a transfer, and the employee who was granted the transfer is younger than her. The Employer, however, was able to establish a legitimate, non-discriminatory reason for its hiring decision. McDonald Douglas Corp. v. Green, 411 U.S. 792, 802 (1973); adopted by Illinois Supreme Court in Zaderaka v. Human Rights Comm., 131 Ill. 2d 172, 179 (1989). The Employer explained that the employee who was granted the transfer had not been temporarily transferred before, and the Petitioner had, so the decision was made to give that employee the experience from a temporary transfer. There is no evidence in the record to suggest that this reason is mere pretext.

The Petitioner also cannot establish that the denial was retaliatory. 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 found that a time span of six months was too remote to establish an inference of connectedness. Mitchell and Local Union 146, 20 Ill. HRC Rep. 101, 110-11 (1985). The Petitioner's EEOC complaint was filed approximately two years before the denial of her transfer request. As there is no other evidence connecting the adverse employment action to the Petitioner's protected activity, she cannot establish the causal nexus to prove her retaliation claim.

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 John H. Stroger, Jr. Hospital of Cook County 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 7th day of December 2018.**
HUMAN RIGHTS COMMISSION)

Commissioner Nabi R. Fakroddin

Commissioner Hermene Hartman

Commissioner Eleni Bousis