

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2012CA3727
)	EEOC NO.: 21BA21977
DZEVAD HADZIC,)	ALS NO.: 13-0171
)	
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners, Hermene Hartman, Steve Kim and Cheryl Mainor presiding, upon Dzevad Hadzic's ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Department of Human Rights ("Respondent") of Charge No. 2012CA3727; 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, WHEREFORE, it is hereby **ORDERED** that the Respondent's Notice of Dismissal is **SUSTAINED** for **LACK OF SUBSTANTIAL EVIDENCE**.

DISCUSSION

On June 21, 2012, the Petitioner filed a perfected charge of discrimination with the Respondent, against ABM Janitorial Services ("ABM"), alleging that ABM harassed him because of his age, 56, in violation of Section 2-102(A) of the Illinois Human Rights Act ("Act"). 775 ILCS 5/101, et seq. On January 17, 2013, the Respondent dismissed the Petitioner's charge for Lack of Substantial Evidence. On April 16, 2013, the Petitioner filed this timely Request for Review.

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. See 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. See In re Request for Review of John L. Schroeder, IHRC, Charge No. 1993CA2747, 1995 WL 793258, *2 (March 7, 1995).

In the Petitioner's matter the evidence was insufficient to establish a *prima facie* case of harassment or retaliation. Generally, actionable harassment occurs when the workplace is permeated with discriminatory, ridicule, and insult that is sufficiently severe or pervasive to alter the conditions of the victim's employment and create an abusive working environment. See Harris v. Forklift Systems,

Inc., 510 U.S. 20, 114 S.Ct. 367, 371, 126 L.Ed.2d 295. The Petitioner alleged that the harassment consisted of his supervisor yelling and screaming at him and assigning him more work (i.e., production duties and cleaning the lobby). However, asking the Petitioner to perform his job duties, or managing him in an abrasive or “heavy-handed” manner does not constitute actionable harassment. See Patel v. Allstate Insurance Co., 105 F.3d 365 (7th Cir. 1997). The Petitioner offered no evidence that his supervisor made any remarks about his age. Additionally, there was no evidence that younger co-workers were treated more favorably

In his Request, the Petitioner offered no additional evidence that would warrant the reversal of the Respondent’s original determination. The Petitioner merely states that assigning him additional task establishes a *prima face* case of harassment. Other than this brief statement, the Petitioner offered no further evidence. Accordingly, it is the Commission’s decision that the Petitioner has not presented any evidence to show the Respondent’s dismissal of her charge was not in accordance with the Act. The Petitioner’s Request is not persuasive.

THEREFORE, IT IS HEREBY ORDERED THAT:

The dismissal of Petitioner’s charge is hereby **SUSTAINED**.

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 ABM Janitorial Services as Respondents, with the Clerk of the Appellate Court within 35 days after the date of service of this Order.

STATE OF ILLINOIS

)

HUMAN RIGHTS COMMISSION

)

)

Entered this 28th day of November 2018

Commissioner Hermene Hartman

Commissioner Cheryl Mainor

Commissioner Steve Kim
