

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST	)	
FOR REVIEW BY:	)	CHARGE NO.: 2012CP2878
	)	EEOC NO.: N/A
JAMES "ROBIN" ROBINSON	)	ALS NO.: 13-0279
	)	
	)	
	)	
Petitioner.	)	

**ORDER**

This matter coming before the Commission by a panel of three, Commissioners Robert A. Cantone, Hamilton Chang, and Nabi R. Fakroddin presiding, upon the Request for Review ("Request") of James "Robin" Robinson ("Petitioner"), of the Notice of Dismissal issued by the Illinois Department of Human Rights ("Respondent") of Charge No. 2012CP2878 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 April 9, 2012, the Petitioner filed a charge of discrimination with the Respondent alleging that Walgreen Co., denied her full and equal enjoyment of its facility and services because of her sexual orientation, gender related identity (Count A), and in retaliation for filing previous charges of discrimination (Count B) in violation of Sections 5-102(A) and 6-101(A) of the Illinois Human Rights Act.

On April 2, 2013, the Respondent dismissed the charge for Lack of Substantial Evidence. The Petitioner filed a timely Request.

The Commission finds that the Respondent properly dismissed the Petitioner's charge. 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). A finding of Lack of Substantial Evidence is proper here because the Petitioner has failed to establish a *prima facie* case of discrimination or retaliation.

Generally, to establish a *prima facie* case of discrimination concerning a public accommodation the Petitioner must show that: 1) The Petitioner is within a protected category; 2) she was denied full enjoyment of the respondent's facilities; and 3) that others not within her protected class were given full enjoyment of those facilities. See In the Matter of Velma J. Henderson and Steak N Shake, Inc., IHRC, Charge No. 1996CP2939, 1999 WL 33252627, \*9 (March 24, 1994).

In this case, the Petitioner has failed to prove that she was denied full enjoyment of Walgreen's facilities. The investigation revealed that Petitioner entered the Walgreen's and purchased two newspapers—there is no indication that she was denied any services. Petitioner alleges that a Walgreen's employee called her a slur and refused to help her, which the employee denies. Because of the Petitioner's frequent altercations and charges against Walgreen's, it was Walgreen's practice to have a supervisor provide service to Petitioner to prevent any allegations of impropriety. Nonetheless, Petitioner was able to make her purchase and she concedes that she has continued to make purchases at Walgreen's even after filing the charge. There is no evidence that Petitioner has ever been denied the full enjoyment of Walgreen's facilities. Therefore, the dismissal of her charge was not in violation of 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 Illinois Appellate Court by filing a Petition for Review, naming the Illinois Human Rights Commission, the Illinois Department of Human Rights, and Walgreen Co. as respondents, with the Clerk of the Illinois Appellate Court within 35 Days after the date of service of this order.

STATE OF ILLINOIS )  
 ) Entered this 14th day of December 2018.  
HUMAN RIGHTS COMMISSION )

Commissioner Robert A. Cantone

Commissioner Hamilton Chang

Commissioner Nabi R. Fakroddin