

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST )  
FOR REVIEW BY: )

**ALFONSO WALDRON, JR.,** )

Petitioner. )

CHARGE NO.: **2013SF0945**  
EEOC NO.: **21BA30122**  
ALS NO.: **13-0391**

**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 Alfonso Waldron, Jr., (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)<sup>1</sup> of Charge No. 2013SF0945 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 October 11, 2012, the Petitioner filed a perfected charge of discrimination with the Respondent alleging that Jet Aviation (“Employer”) suspended him, reduced his job duties, and discharged him because of his race, black, in violation of Section 2-102(A) of the Illinois Human Rights Act (“Act”). On April 18, 2013, 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).

In order to establish a prima facie case of race discrimination, the Petitioner must show that 1) he is a member of a protected class; 2) he was performing satisfactorily; 3) adverse action was taken against him despite the adequacy of his work; and 4) a similarly situated employee who was not a member of the protected group was not subjected to the same adverse action. Anderson v. Illinois Human Rights Comm’n, 314 Ill. App. 3d 35, 49 (1<sup>st</sup> Dist. 2000). If the Petitioner establishes his prima

<sup>1</sup> 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.”

facie case, the employer may rebut the presumption of discrimination by articulating a legitimate, nondiscriminatory reason for its decision, and then the Petitioner must prove that the articulated reason was a pretext for discrimination. Zaderaka v. Illinois Human Rights Comm'n, 131 Ill. 2d 172, 178-79 (1989).

In this case, the Petitioner argues that the Employer suspended him for two days on March 23, 2012, reduced his duties in May 2012, and discharged him on June 7, 2012, because he was black. He has failed to establish a prima facie case on any count because he did not establish that a similarly situated employee who was not black was not subjected to any of the adverse actions. Moreover, the Employer articulated legitimate, nondiscriminatory reasons for its conduct: that the Petitioner was suspended for refusing to do a task that his crew chief asked him to do, that employees were asked to clean and reorganize when business was slow in order to ensure they could work 40 hours per week, and that he was discharged because he walked off a task and refused to yield to an approaching aircraft when told to by a supervisor. There was no evidence that the Employer's reasons were a pretext for discrimination.

The Commission concludes that the Respondent's dismissal of the charge was 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 Illinois Appellate Court by filing a Petition for Review, naming the Illinois Human Rights Commission, the Illinois Department of Human Rights, and Jet Aviation 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 18th day of December 2018.**  
**HUMAN RIGHTS COMMISSION** )

Commissioner Robert A. Cantone

Commissioner Hamilton Chang

Commissioner Nabi R. Fakroddin, P.E., S.E.