

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST	)	
FOR REVIEW BY:	)	CHARGE NO.: 2013SF1847
	)	EEOC NO.: 21BA30768
WANDA SHELTON	)	ALS NO.: 13-0465
	)	
	)	
	)	
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 (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”) of Charge No. 2013SF1847 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 January 7, 2013, the Petitioner filed a perfected charge of discrimination with the Respondent alleging that John Deere Parts Dist. Center (“Employer”), harassed her in retaliation for filing a previous charge of discrimination with the Department in violation of 6-101(A) of the Illinois Human Rights Act.

On September 3, 2013, the Respondent dismissed Complainant’s charge for Lack of Substantial Evidence. The Petitioner filed a timely Request.

The Commission concludes that the Respondent properly dismissed the Petitioner’s claims 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).

Generally, to establish a *prima facie* case of retaliation, the Petitioner must show: 1) that she engaged in protected activity; 2) that the Employer committed an adverse action against her; and 3) that a causal connection existed between the protected activity and the adverse action. See Welch v. Hoeh, 314 Ill.App.3d 1027, 1035, 733 N.E.2d 410, 416 (3rd Dist. 2000). A causal connection will be inferred if the period of time between the protected activity and the adverse action is sufficiently short. See Mitchell and Local Union, 146, 20 Ill. HRC Rep. 101, 110-11 (1985) (six months was too remote to establish connectedness).

In the instant case, Christine Edwards became Petitioner's supervisor in August 2012, over six months after the Petitioner engaged in protected activity. Furthermore, the alleged harassment did not occur until December 2012, ten months after the protected activity. The time between the protected act and the alleged harassment is too remote to establish a connection between the two events.

Furthermore, the Petitioner's allegations, even if true, do not rise to the level of harassment. When the workplace is permeated with discriminatory intimidation, ridicule and insult which is sufficiently severe or pervasive to alter the conditions of the victim's employment and create an abusive working environment, there is a violation of the prohibition against discriminatory terms and conditions of employment. Harris v. Forklift Systems, Inc., 510 U.S. 20, 114 S.Ct. 367, 371, 126 L.Ed.2d 295 (1993). Petitioner alleges that Edwards harassed her when Edwards asked her to: 1) to use a different fork truck; 2) to keep her work area clean; 3) to write down her job duties for employee's who covered for Petitioner; 4) to use less work area; and 5) to park in a different area. The actions that Petitioner describes appear to be nothing more than normal supervision. None of Petitioner's allegations constitute intimidation, ridicule, or insult and they are not so severe or pervasive as to alter the conditions of Petitioner's employment. Therefore, the Respondent's dismissal of the charge is not a 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 John Deere Parts Dist. Center as respondents, with the Clerk of the Illinois Appellate Court within 35 Days after the date of service of this order.

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**Entered this 14th day of December 2018.**

Commissioner Robert A. Cantone

Commissioner Hamilton Chang

Commissioner Nabi R. Fakroddin