

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2014CA0073
)	EEOC NO.: 21BA32104
JESUS HERNANDEZ)	ALS NO.: 14-0418
)	
)	
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Chair Rose Mary Bombela-Tobias and Commissioners Patricia Bakalis Yadgir and Michael Bigger presiding, upon the Request for Review (“Request”) of Jesus Hernandez (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”) of Charge No. 2014CA0073 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 July 11, 2013, the Petitioner filed a charge of discrimination with the Respondent alleging that Chicago & Midwest Regional Joint Board, Workers United/SEIU (the “Union”) discriminated against him because of his age (52) when it failed to represent him by refusing to pursue arbitration against Complainant’s employer, Juno Lighting Group (“Juno”) in violation of Sections 1-103(A), 1-103(Q), and 2-102(A) of the Illinois Human Rights Act (the “Act”).

On June 5, 2014, the Respondent dismissed the Petitioner’s charge in its entirety. The Petitioner filed a timely Request.

The Commission concludes that the Respondent properly dismissed the Petitioner’s claims for lack of substantial evidence. Generally, to establish a *prima facie* case of discrimination, the Petitioner must show: 1) that he is a member of a protected class; 2) he was performing his work satisfactorily; 3) that he was subject to an adverse action; 4) and that the Union treated a similarly situated employee outside the Petitioner’s protected class more favorably under similar circumstances. Marinelli v. Human Rights Commission, 262 Ill.App.3d. 247, 634 N.E.2d 463 (2d Dist. 1994). Once the *prima facie* case has been established, the burden shifts to the respondent to articulate a legitimate, non-discriminatory reason for its actions. Then, to prevail, the

Commissioner Michael Bigger