

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

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

MARY TAYLOR,)

Petitioner.)

CHARGE NO.: **2014SP0250**

EEOC NO.: **N/A**

ALS NO.: **14-0438**

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 Mary Taylor (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)¹ of Charge No. 2014SP0250 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 10, 2013, the Petitioner filed a perfected charge of discrimination with the Respondent alleging that Vono Medical Supplies (“Vono”) failed to provide services in retaliation for her filing of a prior charge of discrimination, in violation of Section 6-101(A) of the Illinois Human Rights Act (“Act”). On September 9, 2014, 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 this case, the Petitioner states that on January 24, 2013, she went to Vono to fill her doctor’s prescription for a liquid supplement. She contends that Vono failed to process her order in retaliation for a charge of discrimination she filed against it one year and six months earlier, on July 26, 2011 (Charge No. 2012SP0226).

¹ 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.”

In the instant case, the evidence was insufficient to establish a prima facie case of retaliation. In order to prevail, the Petitioner must establish that 1) she engaged in a protected activity; 2) the actor took an adverse action against her; and 3) there was a causal nexus between the protected activity and the adverse action. See Welch v. Hoeh, 314 Ill.App.3d 1027, 1035 (3rd Dist. 2000). Here, Vono was required by Medicaid to seek approval from Healthcare and Family Services (“HFS”) before providing the Petitioner with her order. Although Vono filed the paperwork the next day, it took HFS over a month to respond. On February 27, 2013, HFS sent Vono approval to provide services for the expired time period of January 24, 2013 through February 23, 2013. Thus, Vono was not able to fill the Petitioner’s order. The evidence does not show that Vono took an adverse action against the Petitioner.

Furthermore, the Petitioner did not establish a causal nexus between the prior charge and the alleged adverse action. A causal nexus can be established in one of three ways: by direct evidence of retaliation, by evidence of unequal treatment of similarly situated persons who did not engage in protected activity, and by establishing that the time period between the protected activity and the adverse action is short enough to create an inference of connectedness. Lynell Mims and State of Illinois, Illinois Department of Lottery, Charge No. 1989CF1141, 1998 WL 937898 (Ill.Hum.Rts.Com.), 11 (December 17, 1998) (citing Mitchell and Local Union 146, 20 Ill. HRC Rep. 101, 110-11 (1985)). Here, there was no direct evidence of retaliation and the Respondent had in fact provided services to the Complainant between the time of the charge of discrimination and the alleged adverse action. In addition, the time period of one year and six months separating the two events is too long to create an inference of connectedness. See id.

The Petitioner has not presented any evidence to show that the Respondent’s dismissal of the charge was not 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 Appellate Court by filing a petition for review, naming the Illinois Human Rights Commission, the Illinois Department of Human Rights, and Vono Medical Supplies 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 7th day of November 2018.

Chair Rose Mary Bombela-Tobias

Commissioner Patricia Bakalis Yadgir

Commissioner Michael Bigger
