

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

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

MARY TAYLOR,)

Petitioner.)

CHARGE NO.: **2014SP2791**
EEOC NO.: **N/A**
ALS NO.: **14-0439**

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. 2014SP2791 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 25, 2014, the Petitioner filed a perfected charge of discrimination with the Respondent alleging that Ameren Gas & Electric Company (“Ameren”) denied her full and equal enjoyment of its facility and services because of her race, or alternatively in retaliation for filing a previous charge of discrimination against it, in violation of Sections 5-102(A) and 6-101(A) of the Illinois Human Rights Act (“Act”). On July 16, 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 the instant case, the Petitioner stated that Ameren called her on multiple occasions and that she asked its representatives to stop calling her, and that they called her because of her race or because she had filed a previous charge of discrimination against the company. The Petitioner’s claim fails to establish a prima facie case of discrimination under either theory.

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.”

The Act states that it is a violation for any person on the basis of unlawful discrimination to “[d]eny or refuse to another the full and equal enjoyment of the facilities, goods, and services of any public place of accommodation.” 775 ILCS 5-102(A). In order to establish a prima facie case for discrimination in public accommodation, the Petitioner must show: 1) that she falls within a protected class; 2) that she was denied the full and equal enjoyment of the actor’s facilities, goods, or services, and 3) that former employees or customers who engaged in the same conduct as the Petitioner were afforded the full use and enjoyment of the actor’s facilities. Davis and Ben Schwartz Food Mart, 23 Ill. HRC Rep. 2, 8 (1986). Here, the Petitioner cannot argue that she was denied the full and equal enjoyment of Ameren’s facilities, goods, or services, when she is actually asserting that she wanted Ameren to stop contacting her. Because Ameren did not deny or refuse the Petitioner anything, according to the Petitioner’s own allegations, her claim fails.

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 Ameren Gas & Electric Company 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
