

STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION

IN THE MATTER OF THE REQUEST	)		
FOR REVIEW BY:	)	CHARGE NO.:	2014CP1281
	)	EEOC.:	N/A
JERRY ROBINSON	)	ALS NO.:	14-0453
	)		
Petitioner.	)		

**ORDER**

This matter coming before the Commission by a panel of three commissioners, Chair Rose Mary Bombela-Tobias and Commissioners Patricia Bakalis Yadgir and Michael Bigger presiding upon Jerry Robinson's ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Illinois Department of Human Rights ("Respondent") of Charge No. 2014CP1281 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 November 12, 2013, the Petitioner, Jerry Robinson, filed a charge of discrimination with the Department of Human Rights (Department), alleging the Chicago Housing Authority (CHA) denied him full and equal enjoyment of CHA's facility and services because he is African American (count A) and has physical disabilities: high blood pressure, neuropathy, carpal tunnel syndrome, arthritis and blood clots (counts B-F) in violation of Section 5-102(A) of the Illinois Human Rights Act (Act). On June 18, 2014, the Respondent dismissed Petitioner's charge due to lack of substantial evidence. The Petitioner timely filed a Request for Review on September 22, 2014.

The Commission concludes that the Respondent properly dismissed all of Petitioner's charges for lack of substantial evidence. If no substantial evidence exists after the Respondent's investigation of a charge, the charge must be dismissed. 775 ILCS 5/7A-102(D)(3). Section 7A-102(D)(2) states substantial evidence exists when the evidence is such that a reasonable mind would find the evidence sufficient to support a conclusion and which consists of more than a mere scintilla but may be somewhat less than a preponderance.

The evidence was insufficient to establish a *prima facie* case of discrimination concerning a public accommodation. Discrimination concerning a public accommodation exists when a Petitioner 1) is within a protected category; 2) he or she was denied full enjoyment of the respondent's facilities; and 3) that others not within his

or her protected class were given full enjoyment of those facilities. See In the Matter of v Elma J. Henderson and Steak N Shake, Inc., IHRC, Charge No. 1996CP2939, 1999 WL 33252627, \*9 (March 24, 1994).

The alleged discrimination consisted of Brian Berry, CHA employee, providing the Petitioner with information about the application but Mr. Berry and his supervisor, Robyn Shareef, stating they did not know the location of the water fountain and referring the Petitioner to the security guard for the location. The Petitioner required water to take his medication. The Petitioner is within a protected class because he is African American, and his ailments qualify as disabilities under the Human Rights Act. However, Petitioner was not denied the use of the water fountain because the security guard indicated the location. Petitioner also did not identify and the investigation did not reveal any other visitor to CHA who was not within a protected class but was treated more favorably under similar circumstances. Therefore, the Respondent lacked substantial evidence of discrimination and its dismissal of the charge was proper.

**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 Chicago Housing Authority as the respondents, with the Clerk of the Appellate Court within 35 days after the date of service of this order.

**STATE OF ILLINOIS** )  
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**HUMAN RIGHTS COMMISSION** )

**Entered this 7<sup>th</sup> day of Nov. 2018.**

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Chair Rose Mary Bombela-Tobias

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Commissioner Patricia Bakalis Yadgir

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Commissioner Michael Bigger