

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE No.: 2014 CP2015
)	EEOC.: N/A
Tamika Taylor,)	ALS No.: 14-0475
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Hermene Hartman, Steve Kim, and Cheryl Mainor, presiding, over the Matter of Tamika Taylor's (Petitioner) Request for Review (Request) of the Notice of Dismissal issued by the Illinois Department of Human Rights (Respondent¹), of Charge 2014CP2015 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 in 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 March 18, 2014, the Petitioner filed a charge of discrimination alleging that the Illinois Department of Human Services denied her service in retaliation of her having filed an internal complaint, in violation of Section 6-101(A) of the Illinois Human Rights Act. 775 ILCS 5/1 *et. Seq.* The Respondent dismissed the 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. 1993CA 2747, 1995 WL 793258, (March 7, 1995).

The Petitioner is a customer of the Illinois Department of Human Services (DHS), which, among other services, processes Supplemental Nutritional Assistance Programs (SNAP) applications and changes. The Petitioner sought to add her daughter as a beneficiary to the Petitioner's household, but because she was already included in another household at the time, DHS was not able to immediately make the change. In

¹ In a Request for Review Proceeding, the Illinois Department of Human Rights is the "Respondent." The party to the underlying charge who is requesting review of the Department's action shall be referred to as the "Petitioner."

March 2013, the Petitioner filed a complaint and a grievance alleging that she was treated rudely and had not yet received the requested benefits. DHS did not substantiate her allegations of discourteous treatment. She also filed an appeal regarding the inaction on the benefit application. On May 1, 2013, the Petitioner withdrew her appeal, noting that her benefits had been restored to December 2012. The current charge alleges that from July 10, 2013 through July 15, 2013, DHS neglected to process her case in retaliation for her previous complaint.

To establish a *prima facie* case of retaliation, Petitioner must show that 1) she engaged in protected activity, 2) that the entity took an adverse action against her, and 3) that there was a causal connection between the protected activity and the entity's adverse action See Carter Coal Co. v. Human Rights Commission, 261 Ill. App. 3rd 1., 633 N.E. 2nd 202 (5th Dist. 1994).

The Petitioner contends that her application for benefits was delayed in retaliation for her complaint about a DHS employee's rudeness. The Petitioner failed to establish that she engaged in protected activity. She offered nothing to suggest that her complaint was made in "opposition to unlawful discrimination." See 775 ILCS 5/6-101(A). She did not allege, nor did the record reveal that she engaged in protected activity, i.e., opposing discrimination that would constitute a violation of the Act. See Richard M. Moulton and Bunder Hill Area Ambulance Service & Bunker Hill Volunteer EMT A. Group, 1996 WL 534362, Charge No. 1993SP 0768, ALS No. S 8065, July 24, 1996. Although there was a delay in getting her daughter covered under her SNAP benefit, there was no evidence of discriminatory animus. Moreover, DHS articulated a non-discriminatory basis for the delay. DHS was precluded from adding the Petitioner's daughter to her SNAP benefits until the Department of Children and Family Services removed her from the household in which she had previously been placed.

In her request, the Petitioner contends that she was not afforded fundamental fairness or due process and questions the Department's impartiality. She failed to provide any support for these contentions and they are not supported by the record.

Accordingly, 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 the Illinois Department of Human Services as 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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Entered this 21st day of November 2018

HUMAN RIGHTS COMMISSION

Commissioner Hermene Hartman

Commissioner Steve Kim

Commissioner Cheryl Mainor