

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2014CA0258
)	EEOC NO.: 21BA32251
SHANNON PEREZ)	ALS NO.: 14-0487
)	
)	
)	
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 Shannon Perez (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”) of Charge No. 2014CA0258 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 is SUSTAINED.

DISCUSSION

On August 5, 2013, Petitioner filed a charge of discrimination against Evergros, Inc. d/b/a Olympic Star Restaurant (the “Employer”) alleging that her work hours were reduced in February 2013 and August 2013 because of her age (43), in violation of Section 1-102(A) of the Act.

On July 15, 2014, the Department dismissed Petitioner’s charge, in its entirety, for lack of substantial evidence. 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 she is a member of a protected class; 2) she was performing her work satisfactorily; 3) that she was subject to an adverse action; 4) and that the Employer 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).

In this case, Petitioner has failed to establish a *prima facie* case because she was not subject to any adverse action. The Employer’s testimony and time records establish that during the time in question, Petitioner’s weekly work hours remained the

