

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2014CF0634
)	EEOC NO.: 21BA32547
MYONIE PAYTON)	ALS NO.: 14-0489
)	
)	
)	
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 the Request for Review (“Request”) of Myonie Payton (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”) of Charge No. 2014CF0634 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 FOR LACK OF SUBSTANTIAL EVIDENCE.

DISCUSSION

On September 16, 2013, Petitioner filed a charge with Respondent against Roosevelt University (the “Employer”) alleging that she was issued two written reprimands (Counts A & B) and was constructively discharged (Count C) in retaliation for filing charges of discrimination against the Employer on June 5, 2012, October 5, 2012, and April 4, 2013.

On July 8, 2014, the Respondent dismissed Petitioner’s charge for lack of discrimination. The 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 retaliation, the Petitioner must show: 1) she engaged in protected activity; 2) the Employer committed an adverse action against her; and 3) a causal connection existed between the protected activity and the adverse action. See Welch v. Hoeh, 314 Ill.App.3d 1027, 1035, 733 N.E.2d 410, 416 (3rd dist. 2000). In order to establish the causal nexus required to show retaliation, Petitioner must show: 1) direct evidence of retaliation; 2) evidence of unequal treatment of similarly situated persons who did not engage in the protected activity; or 3) establishing that the time period between the protected activity and the adverse action is short enough to create an inference of

connectedness. See In the Matter of: Giuseppe Scalera and Village of Oak Park, IHRC, Charge No. 1997CF1270, 2002 WL 32828292, *5 (September 23, 2002).

Here, Petitioner has failed to show a causal nexus between the protected activity and the adverse action. Before Petitioner filed her first charge of discrimination, the Employer gave Petitioner three verbal warnings, two written warnings, and two suspensions for chronic lateness and poor performance. See Bregenhorn and C.C. Services, Inc., ALS No. S10596, 2004 WL 3312882 at 6 (Ill. HRC. Apr. 2, 2004). Petitioner concedes that even after she filed her first charge, she continually arrived late to work and received discipline for her lateness. Petitioner developed an extensive disciplinary record prior to engaging in protected activity and her lateness and poor performance continued after she filed her first charge of discrimination. As a result, Petitioner has failed show that her written warnings and subsequent resignation were the result of retaliation.

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 Roosevelt University, with the Clerk of the Appellate Court within 35 Days after the date of service of this order.

STATE OF ILLINOIS)
) Entered this 7th day of November 2018.
HUMAN RIGHTS COMMISSION)

Chair Rose Mary Bombela-Tobias

Commissioner Patricia Bakalis Yagdir

Commissioner Michael Bigger