

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST	)		
FOR REVIEW BY:	)	CHARGE NO.:	2014CP2485
	)	EEOC NO.:	N/A
<b>CURTIS GAYLORD</b>	)	ALS NO.:	14-0505
	)		
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 Curtis Gaylord’s (“Petitioner”) Request for Review (“Request”) of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)<sup>1</sup> of Charge No. 2014CP2485 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 March 26, 2014, the Petitioner filed a charge of discrimination with the Respondent alleging that Wal-Mart Supercenter (“Wal-Mart”) denied him full and equal enjoyment of their facilities and services due to his race and sex in violation of Section 2-102(A) of the Illinois Human Rights Act (“Act”). On August 8, 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. Generally, to establish a *prima facie* case for discrimination in public accommodation the Petitioner must show that (1) he is a member of a protected class; (2) he was denied or refused the full and equal enjoyment of the facilities and services; and (3) that similarly situated individuals outside the Petitioner’s protected class were treated differently. Friedner and Happy Reunion, IHRC, Charge No. 2000SP0220, 2001WL1717010, ALS No. S-11365 (August 1, 2001).

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<sup>1</sup> 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.”

There is no substantial evidence that the Petitioner was denied full and equal enjoyment of Wal-Mart's facilities and services due to his race and sex. The Petitioner was able to complete his transaction and could not show that any similarly situated, non-black, female customers were treated more favorably.

Accordingly, the Petitioner has not presented any substantial 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 Wal-Mart Supercenter 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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**HUMAN RIGHTS COMMISSION**

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**Entered this 7<sup>th</sup> day of November 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

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