

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)
FOR REVIEW BY:)

RODERICK SANLIN,)

Petitioner.)

CHARGE NO.: **2014SN0953**

EEOC NO.: **N/A**

ALS NO.: **14-0538**

ORDER

This matter coming before the Commission by a panel of three, Commissioners Michael Bigger, Amy Kurson and Cheryl Mainor presiding, upon the Request for Review (“Request”) of Roderick Sanlin (“Petitioner”) of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)¹ of Charge No. 2014SN0953 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 October 9, 2013, the Petitioner filed a perfected charge of discrimination with the Respondent alleging that Minton Outdoor Services (“Employer”) discharged him due to his disability, osteoarthritis of the hip, in violation of Section 2-102(A) of the Illinois Human Rights Act (“Act”). On September 23, 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. 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. 1993CA2747, 1995 WL 793258, *2 (March 7, 1995).

In order to establish a prima facie case of disability discrimination, the Petitioner must show that 1) he has a disability within the meaning of the Act; 2) that his disability is unrelated to his ability to perform the essential functions of his job; and 3) an adverse job action was taken against him because of the disability. Illinois Department of Corrections v. Illinois Human Rights Commission, 298 Ill. App. 3d 536, 540 (3rd Dist. 1998). In this case, there was no evidence that the Petitioner’s

¹ 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.”

osteoarthritis was unrelated to his ability to perform his job as a seasonal grass mower. In fact, he stated that at the time that he was discharged, he could not operate a lawn mower, weed eater, or grass blower, which were the only activities that his position entailed. Secondly, the Employer maintained that he was discharged due to absenteeism, rather than his disability. There was evidence that the Petitioner missed many days of work, only three of which were due to his osteoarthritis. On the day that the Petitioner was discharged, he told the Employer that he could not make it to work because he had no transportation to get there.

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 Minton Outdoor Services as respondents, with the Clerk of the Appellate Court within 35 days after the date of service of this Order.

STATE OF ILLINOIS)
) **Entered this 21st day of November 2018.**
HUMAN RIGHTS COMMISSION)

Commissioner Michael Bigger

Commissioner Amy Kurson

Commissioner Cheryl Mainor