

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2014CN3375
)	EEOC NO.: N/A
THEODORE KHANISHO)	ALS NO.: 14-0566
)	
)	
)	
Petitioner.)	

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 Theodore Khanisho (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”) of Charge No. 2014CN3375 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 July 12, 2014, Petitioner filed a charge of discrimination with the Respondent against the City of Chicago Police Department (the “Employer”) alleging that the Employer failed to hire him because of his arrest record, in violation of Section 2-103(A) of the Illinois Human Rights Act. On November 19, 2014, the Respondent dismissed Petitioner’s charge 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. 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). A finding of Lack of Substantial Evidence is proper here because the Petitioner has failed to prove that the Employer’s legitimate, non-discriminatory reason is pretextual.

Petitioner’s charge of discrimination is based on his allegation that an unnamed representative of the Employer told him over the phone that his “application was on hold because of his arrest record.” Even if the Petitioner’s allegation is taken as true, the

Commissioner Cheryl Mainor