

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2014SF0444
)	EEOC NO.: 21BA32415
DENNIS HENRY)	ALS NO.: 14-0573
)	
)	
)	
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 Dennis Henry (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”) of Charge No. 2014SF0444 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 is SUSTAINED.

DISCUSSION

On August 19, 2013, the Petitioner filed a charge of discrimination with the Respondent alleging that Mel Foster Co., Inc. of Illinois (“Foster”), discharged him on May 29, 2013 in retaliation for engaging in protected activity on or about April 2013 in violation of Section 6-101(A) of the Illinois Human Rights Act.

On September 23, 2014, the Respondent dismissed the charge for Lack of Jurisdiction. The Petitioner filed a timely Request.

The Commission concludes that the Respondent properly dismissed the Petitioner’s charge, but on improper grounds. The Respondent concluded that it lacked jurisdiction because Foster was not an employer under the Act. However, the retaliation provision of the Act covers retaliation committed by *any person*, not just employers. See 775 ILCS 6-101(A). As a result, the Commission has jurisdiction over this charge. The Respondent’s dismissal should be sustained, however, because the Petitioner has failed to make a *prima facie* case of retaliation.

Generally, to establish a *prima facie* case of retaliation, the Petitioner must show 1) he engaged in protected activity; 2) Respondent took an adverse action against him, and 3) there is a causal nexus between the protected activity and the adverse action.

Commissioner Cheryl Mainor