

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST	)	
FOR REVIEW BY:	)	CHARGE NO.: 2013CR3745
	)	EEOC NO.: 846-2013-14500
MAHMOOD SYED	)	ALS NO.: 14-0579
	)	
	)	
	)	
	)	
Petitioner.	)	

**ORDER**

This matter coming before the Commission by a panel of three, Commissioners Michael Bigger, Amy Kurson, Cheryl Mainor presiding, upon the Request for Review (“Request”) of Mahmood Syed (“Petitioner”), of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”) of Charge No. 2013CR3745 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 Jurisdiction and Lack of Substantial Evidence is SUSTAINED.

**DISCUSSION**

On January 18, 2013, Petitioner filed a charge of discrimination with the Respondent against North Community Bank (the “Employer”) alleging that: on January 28, 2008, the Employer issued him a verbal counseling because of his national origin (Count A), sex (Count B), and religion (Count C); on March 27, 2008, the Employer issued him a written warning because of his national origin (Count D), sex (Count E), and religion (Count F); on December 3, 2010, the Employer issued him a verbal counseling because of his national origin (Count G), sex (Count H), and religion (Count I); on April 11, 2012 the Employer issue him a verbal counseling because of his national origin (Count J), sex (Count K), and religion (Count L); on April 20, 2012, the Employer issued him a written warning due to his national origin (Count M), sex (Count N), and religion (Count O); on July 5, 2012, the Employer issued him a Notice of Probation because of his national origin (Count P), sex (Count Q), and religion (Count R); and on September 26, 2012, the Employer discharged him because of his national origin (Count S), sex (Count T), and religion (Count U).

On September 25, 2014 the Respondent dismissed Counts A through R of Petitioner’s charge for Lack of Jurisdiction and dismissed Counts S, T, and U for Lack of Substantial Evidence. Petitioner filed this timely Request.

### *Counts A through R*

The Commission concludes that the Respondent properly dismissed Counts A through R of the Petitioner's charge for Lack of Jurisdiction. Section 7A-102(A) of the Act states that a charge must be filed within 180 days after the date that a civil rights violation allegedly has been committed. Here, Petitioner filed his charge on January 18, 2013. To satisfy the 180-day requirement, an alleged violation must have occurred on or before July 22, 2012. The violations alleged in Counts A-R occurred between January 28, 2008 and July 5, 2012. All of these events occurred outside of the 180-day window, therefore, the Respondent's dismissal of Counts A-R is sustained.

### *Counts S, T, and U*

The Commission concludes that the Respondent properly dismissed Counts S, T, and U of 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). A finding of Lack of Substantial Evidence is required here because the Petitioner has failed to make a *prima facie* case of discrimination.

Generally, to establish a *prima facie* case of discrimination, the Petitioner must show: 1) that he is a member of a protected class; 2) he was performing his work satisfactorily; 3) that he was subject to an adverse action; 4) and that the Employer treated a similarly situated employee outside the Petitioner's protected class more favorably under similar circumstances. Marinelli v. Human Rights Commission, 262 Ill.App.3d. 247, 634 N.E.2d 463 (2d Dist. 1994).

Here, Petitioner has failed to satisfy the third and fourth requirements of the *prima facie* case. Petitioner was terminated for leaving cash sitting on a counter unattended. Petitioner admits that he committed the infraction that led to his termination. Furthermore, the Employer had disciplined Petitioner on multiple occasions, prior to his termination, for poor performance, policy violations, and tardiness. The Department's investigation also revealed that in the year prior to Petitioner's discharge, the Employer discharged 11 employees, the majority of whom were female. Petitioner asserts that his supervisor, who is outside of his protected classes, committed the same infraction as Petitioner; however, the Employer did not become aware of the supervisor's alleged infraction until after Petitioner was terminated.

Neither Petitioner nor Respondent's investigation presented any evidence that Petitioner's protected status, rather than his poor performance, was the reason for his discharge. As a result, the Respondent's dismissal of the charge was proper.

