

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

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

**WINDGLON ISOM,** )

Petitioner. )

CHARGE NO.: **2013CA2526**  
EEOC NO.: **21BA31260**  
ALS NO.: **15-0101**

**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 Windglon Isom (“Petitioner”) of the Notice of Dismissal issued by the Illinois Department of Human Rights (“Respondent”)<sup>1</sup> of Charge No. 2013CA2526 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 19, 2013, the Petitioner filed a perfected charge of discrimination with the Respondent alleging that Maximus, Inc., (“Employer”) placed her on paid administrative leave because of her age, sex, and race, in violation of Section 2-102(A) of the Illinois Human Rights Act (“Act”). On December 24, 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 employment discrimination, the petitioner must show 1) that she is a member of a protected class; 2) that she was performing her work satisfactorily; 3) that she was subject to an adverse action; and 4) that the employer treated a similarly situated employee outside the petitioner’s protected class more favorably under similar circumstances. See Marinelli v. Human Rights Commission, 262 Ill. App. 3d 247, 253 (2<sup>nd</sup> Dist. 1994). If the petitioner

<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.”

establishes her prima facie case, the employer may rebut the presumption of discrimination by articulating a legitimate, nondiscriminatory reason for its decision, and then the petitioner must prove that the articulated reason was a pretext for discrimination. Zaderaka v. Illinois Human Rights Commission, 131 Ill. 2d 172, 178-79 (1989).

In this case, the Petitioner asserted that she was 47 years old, female, and black; that her work performance was satisfactory; that she was put on paid administrative leave; and that the Employer treated four employees outside of her protected class differently, in that they were not put on paid administrative leave for disciplining their subordinates. Her argument fails to establish a prima facie case on the fourth element, however, because none of the four employees named by the Petitioner were similarly situated to her. While they were all managers or directors, only one of the four had initiated any disciplinary action toward a subordinate. The one manager who had initiated action did so by verbally admonishing the employee, and there was no written documentation or further inquiry. In the Petitioner's case, she emailed the project director, stating that her subordinate employee confronted her aggressively that morning, and that she felt unsafe. The project director decided to place both the Petitioner and her subordinate on paid administrative leave while an investigation into the incident took place. In addition, the Employer's action in response to an allegation that the Petitioner felt unsafe was a legitimate, nondiscriminatory reason that the Petitioner did not prove was a pretext for discrimination.

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 Maximus, Inc., 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** )

**Entered this 21st day of November 2018.**

Commissioner Michael Bigger

Commissioner Amy Kurson

Commissioner Cheryl Mainor