

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

<b>IN THE MATTER OF THE REQUEST</b>	)	
<b>FOR REVIEW BY:</b>	)	CHARGE No.: 2014 CF 1635
	)	EEOC.: 21 BA 40631
Mary Mansoor,	)	ALS No.: 15-0126
	)	
<b>Petitioner.</b>	)	

ORDER

This matter coming before the Commission by a panel of three, Chair Roes Mary Bombela-Tobias and Commissioners Patricia Bakalis Yadgir and Duke Alden, presiding, over the Matter of Mary Mansoor’s (Petitioner) Request for Review (Request) of the Notice of Dismissal issued by the Illinois Department of Human Rights (Respondent<sup>1</sup>), of Charge 2014CF1635 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 in 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 January 19, 2014, the Petitioner amended her previously perfected charge of discrimination. She alleged that her employer, Cole Taylor Bank, discharged her due to her marital status, single, and her national origin, Assyria, in violation of Sections 2-102(A) of the Illinois Human Rights Act. 775 ILCS 5/1 *et. seq.* The Respondent dismissed the charge for lack of substantial evidence. The Petitioner filed a timely request.

The Commission concludes that the Respondent properly 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. 1993CA 2747, 1995 WL 793258, (March 7, 1995). Consistent with the Respondent’s recommendation, the Commission concludes that Counts E-G require further investigation and should not have been dismissed. The dismissal as to those counts is vacated.

The Petitioner worked at the bank as a teller from January 2011 until her discharge on September 27, 2013. During her tenure, she received verbal and written warnings for her performance. On September 16, 2013, a co-worker discovered a \$90,000

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<sup>1</sup> In a Request for Review Proceeding, the Illinois Department of Human Rights is the “Respondent.” The party to the underlying charge who is requesting review of the Department’s action shall be referred to as the “Petitioner.”

discrepancy in an account. The problem was corrected without incident. Two days later, the Petitioner failed to secure \$500.00 that she had retrieved from the cash dispenser. That incident resulted in a written warning and a coaching session. On September 24, 2013, the Petitioner's drawer was "out of balance" by \$368. Rather than seek assistance, she generated an advice of credit to the account she believed was affected by the error. When her drawer was out of balance for the same amount the next day, it was discovered that she had a discrepancy in the number of \$2.00 bills in her drawer and it was that discrepancy that caused the imbalance. The Employer concluded that she had "force-balanced" her drawer and had misrepresented a transaction that required approval. Pursuant to the Employer's strict policy regarding forced balancing, she was discharged on September 27, 2013.

To establish the basic elements of discrimination, the Petitioner must show that 1) she is in a protected class; 2) she was performing his job satisfactorily; 3) she was treated in an adverse manner by the employer, and 4) that the employer treated similarly situated employees outside her protected class favorably. See Marinelli v. Human Rights Commission, 262 Ill. App. 3d 247, 634 N.E. 2<sup>nd</sup> 463 (2<sup>nd</sup> Dist. 1994).

Here, the Petitioner failed to establish that she was performing her work satisfactorily. She received several performance-based warnings, both written and verbal, and was discharged only when she force-balanced her drawer and was not forthcoming about the circumstances of the discrepancy. She also failed to establish that the Employer treated similarly situated employees outside her protected class more favorably. Moreover, she provided nothing to suggest any animus by the Employer based on her marital status or her national origin. Finally, her Request for Review did not offer any additional information.

Accordingly, 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 Cole Taylor Bank 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 December 2018  
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**HUMAN RIGHTS COMMISSION**

Chair Rose Mary Bombela-Tobias

Commissioner Patricia Bakalis Yadgir

Commissioner Duke Alden