STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

IN THE MATTER OF THE REQUEST:	)	
FOR REVIEW BY:	)	CHARGE NO.: 2008CN1805
	)	EEOC NO.: N/A
GREGORY TEAMER,	)	ALS NO.: 08-0440
Complainant.	)	

ORDER

This matter coming before the Commission by a panel of two, Commissioners Marti Baricevic and Robert S. Enriquez presiding, upon the Complainant's Request for Review ("Request") of the Notice of Dismissal issued by the Department of Human Rights ("Department") of Charge No. 2008CN1805, Gregory Teamer, Complainant, and Judge & Dolph, Respondent; and the Commission having reviewed *de novo* the Department's investigation file, including the Investigation Report and the Complainant's Request and supporting materials, and the Department's response to the Complainant's Request; and the Commission being fully advised of the premises;

NOW, THEREFORE, it is hereby **ORDERED** that the Department's dismissal of the Complainant's charge is **SUSTAINED** on the following ground:

LACK OF SUBSTANTIAL EVIDENCE

In support of which determination the Commission states the following findings of fact and reasons:

1. The Complainant filed a charge of discrimination with the Department on January 17, 2008, alleging that the Respondent had discharged him from employment on the basis of his arrest record, in violation of Section 2-103(A) of the Illinois Human Rights Act (the "Act"). After an investigation, the Department dismissed the charge on September 18, 2008, finding that there was no substantial evidence that a violation of the Act had occurred. The Complainant thereafter filed a timely request for review on October 10, 2008.

2. The undisputed evidence in the investigation file shows that the Complainant was employed by Remedial Environmental Manpower ("REM"). The Respondent is a wholesale liquor distributor. REM supplies the Respondent with temporary employees on an "as needed" basis.

3. REM assigned the Complainant to work for the Respondent as a driver of one its delivery trucks.

4. On September 25, 2007, while on assignment for the Respondent, and while driving one the Respondent's vehicles, the Complainant was involved in a traffic accident. An accident report of the incident was completed at the scene.

5. The accident report indicated that the Complainant had backed into another vehicle, pushing it backwards approximately three (3) feet.

6. While at the scene of the September 25, 2007 accident, the police arrested the Complainant on an outstanding warrant.

7. The Respondent's driver supervisor showed a copy of the accident report to its director of security, who was a former police officer. Based on the accident report, the Respondent's director of security determined that the Complainant was at fault in the accident. Relying on that determination, the Respondent's driver supervisor informed REM that the Complainant's services as a driver were no longer needed because the Complainant had been at fault in the September 25, 2007, traffic accident.

8. The Respondent acknowledged that it was aware that the Complainant had been arrested at the scene because it needed to find another driver to complete the Complainant's route that day.

9. The Complainant contends in his Request that his arrest was used as a means to wrongfully terminate him and suggests that there were witnesses at the scene of the accident that he was unable to contact because of his arrest. The Complainant states that there was a "bad judgment or assessment" of the events on the day of the accident.

10. The Commission's review of the Department's investigation file leads it to conclude that the Department properly dismissed the Complainant's charge for lack of substantial evidence because the Respondent articulated a legitimate, non-discriminatory reason for terminating the Complainant's services as a driver, and the Complainant presented no evidence to suggest that the Respondent's reason was a mere pretext for discrimination.

11. The Complainant presents no evidence to suggest that the Respondent treated similarly-situated drivers without arrest records more favorably than the Complainant, or that it was his arrest record, rather than his involvement in a traffic accident while operating its vehicle, that caused the Respondent to terminate the Complainant's services.

12. In fact, the undisputed evidence in the investigation file demonstrates that the Respondent took the same action against a similarly-situated driver.

13. Approximately four (4) months prior to the Complainant's accident, in May of 2007, a different REM employee had been involved in a traffic accident while on assignment for the Respondent and while driving one of the Respondent's vehicles.

After the accident, the Respondent advised REM that the employee's services were no longer needed. That employee did not have an arrest record.

14. Accordingly, it is the Commission's decision that the Complainant has not presented any evidence to show that the Department's dismissal of his charge was not in accordance with the Act. The Complainant's Request is not persuasive.

THEREFORE, IT IS HEREBY ORDERED THAT:

The dismissal of Complainant's charge is hereby **SUSTAINED.**

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 the Respondent Judge & Dolph, as appellees, with the Clerk of the Appellate Court within 35 days after the date of service of this order.

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Entered this 28th day of January 2009.

Commissioner Marti Baricevic

Commissioner Robert S. Enriquez