STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

IN THE MATTER OF THE REQUEST:	)	
FOR REVIEW BY:	)	CHARGE NO.: 2009CH0636
	)	EEOC NO.: N/A
EL ESSENE Y. YISROYAL-YISRAEL,	)	HUD NO.: 05-08-1803-8
	)	ALS NO.: 09-0088
Complainant.	)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners David Chang, Marylee V. Freeman, and Yonnie Stroger presiding, upon Complainant's Request for Review ("Request") of the Notice of Dismissal issued by the Department of Human Rights ("Department") of Charge No. 2009CH0636, El Essene Y. Yisroyal-Yisrael, Complainant, and Lakeview Towers Residents Association, Inc., Respondent; and the Commission having reviewed *de novo* the Department's investigation file, including the Investigation Report and the Complainant's Request, 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. On August 13, 2008, the Complainant filed a charge of discrimination with the Department, in which he alleged that the Respondent terminated his tenancy in retaliation for filing a previous charge of discrimination, in violation of § 6-101(A) of the Illinois Human Rights Act ("Act"). On January 23, 2009, the Department dismissed the Complainant's charge for lack of substantial evidence. On February 27, 2009, the Complainant filed a timely request for review.

2. The Department's investigation revealed that the Complainant was a tenant of the Respondent, a multi-family apartment complex located in Chicago, Illinois. The Respondent entered into a lease with the Complainant after the Complainant filed a

charge of discrimination with the Department in January 2007 ("January 2007 charge"). In the January 2007 charge, the Complainant alleged that the Respondent refused to rent to him because of his race and religion.

3. The Department's investigation also revealed that the Respondent's articulated non-discriminatory reason for terminating the Complainant's tenancy is that the Complainant failed to pay rent for three months. Specifically, the Complainant did not pay rent for November 2007, December 2007, or January 2008. After the Complainant failed to pay rent for three months, the Respondent initiated eviction proceedings against the Complainant and obtained an Order of Possession on February 27, 2008.

4. In his Request, the Complainant states that the Respondent made bigoted, racist, fascist, and discriminatory remarks towards the Complainant. He contends that his charge warrants further consideration.

5. The Commission's review of the investigation file leads it to conclude that the Department properly dismissed the Complainant's charge because the Complainant did not provide any evidence that the Respondent terminated his tenancy in retaliation for the Complainant's January 2007 charge. Further, the Complainant presented no evidence that the Respondent's articulated non-discriminatory reason was a pretext for unlawful discrimination. If no substantial evidence of discrimination exists after the Department's investigation of a charge, the charge must be dismissed. *See* 775 ILCS 5/7A-102(D)(2008).

6. There is simply no evidence that the Respondent's termination of the Complainant's tenancy was motivated by anything other than the Complainant's failure to pay his rent. The Complainant presented no evidence and the Department's investigation revealed no evidence that the Respondent harbored an animus against the Complainant because of his January 2007 charge. Additionally, there is no evidence that similarly situated individuals who were not in the Complainant's protected class were treated more favorably. To the contrary, the evidence shows that the Respondent terminated the tenancies of other similarly situated tenants who had not engaged in protected activities.

7. 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 the 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, Lakeview Towers Residents

Association, Inc., as appellees, with the Clerk of the Appellate Court within 35 days after the date of service of this order.

STATE OF ILLINOIS	)	
	)	Entered this 6th day of May 2009.
HUMAN RIGHTS COMMISSION	)	

Commissioner David Chang

Commissioner Marylee V. Freeman

Commissioner Yonnie Stroger