STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

IN THE MATTER OF THE REQUEST:	)	
FOR REVIEW BY:	)	CHARGE NO.: 2008SF3494
	)	EEOC NO.: 21BA82195
IDA WARREN,	)	HUD NO.: N/A
	)	ALS NO.: 09-0154
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. 2008SF3494, Ida Warren, Complainant, and Hamilton Security & Investigations, Inc., 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. On May 27, 2008, the Complainant filed a charge of discrimination with the Department, in which she alleged that the Respondent subjected her to harassment and unequal terms and conditions of employment in retaliation for opposing unlawful discrimination, in violation of § 6-101(A) of the Illinois Human Rights Act ("Act"). On March 3, 2009, the Department dismissed the Complainant's charge for lack of substantial evidence. On April 6, 2009, the Complainant filed a timely request for review.

2. The Department's investigation revealed that the Complainant has worked for the Respondent as a Security Officer since May 2006. In June 2006, the Complainant reported to the Human Resources Director Raymond Massie II ("Massie") that she was being sexually harassed by a co-worker, Don Lintzenich ("Lintzenich") and did not want to work near him.

3. The Department's investigation also revealed that in January 2008, Lintzenich began working near the Complainant again. The Complainant complained about Lintzenich's work placement to Dispatcher Richard Stover.

4. The investigation also showed that in January or February 2008, the Complainant requested that the Respondent complete an Income Verification Form ("IVF") for the St. Clair County Housing Authority, but did not agree with the way that the Respondent completed the IVF. The Complainant spoke with Office Manager Matthew Huntley ("Huntley"), who scolded the Complainant and hung up on her.

5. In March 2008, the Complainant was reassigned job posts because a different security officer wanted her post. After that security officer left the post, the Complainant did not want the post back.

6. In her Request, the Complainant argues that the Respondent retaliated against her because of the formal complaint she filed against Lintzenich in 2006 and the Complainant's complaint about working near Lintzenich in January 2008. The alleged acts of retaliation include the way that the Respondent completed the IVF and the Complainant's reassigned job post. The Complainant contends that the Respondent caused her pain and suffering. In support of her Request, the Complainant submits earnings statements and housing correspondence.

7. 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 retaliated against her because of the 2006 formal complaint against Lintzenich or because of her 2008 complaint about working near Lintzenich. 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).

8. The evidence in the investigation file supports the Department's dismissal. There is no evidence of a causal connection between the Complainant's protected activity and her allegations of harassment and unequal conditions of employment. A *prima facie* case for retaliation requires: (1) that the Complainant engaged in a protected activity; (2) that the Respondent committed an adverse action against the Complainant; and (3) that a causal connection existed between the protected activity and the adverse action. Welch v. Hoeh, 314 Ill. App. 3d 1027, 1035 (3rd Dist. 2000).

9. First, the Respondent articulates that it completed the IVF in the standard manner, but that the Complainant was unhappy. The resulting single telephone conversation wherein Huntley scolded the Complainant and hung up the phone on her is not sufficiently severe or pervasive enough to alter the conditions of her employment or to create an abusive working environment. Further, there is no evidence that this single incident was an act of retaliation for the Complainant's opposition of unlawful discrimination.

10. Second, the Respondent articulates that it reserves the right to change job post assignments pursuant to its Work Location Policy. The Complainant presented no evidence, nor did the Department's investigation reveal any evidence, that the Respondent changed the Complainant's job post in retaliation for the Complainant's having engaged in a protected activity. Further, the Complainant admits that she did not request a transfer back to that assignment when it became open again.

11. Accordingly, it is the Commission's decision that the Complainant has not presented any evidence to show that the Department's dismissal of her 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, Hamilton Security & Investigations, 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 8th day of July 2009.**
HUMAN RIGHTS COMMISSION	)	

Commissioner David Chang

Commissioner Marylee V. Freeman

Commissioner Yonnie Stroger