STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

IN THE MATTER OF THE REQUEST:	)	
FOR REVIEW BY:	)	CHARGE NO.: 2008CA2575
	)	EEOC NO.: 21BA81479
GBOBLEAH ANGBA,	)	HUD NO.: N/A
	)	ALS NO.: 09-0165
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. 2008CA2575, Gbobleah Angba, Complainant, and Kazanova Management Lake, Inc. d/b/a McDonald's, 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 March 20, 2008, the Complainant filed a charge of discrimination with the Department, in which he alleged that the Respondent discharged him because of his race (African American), national origin (Nigeria), sex (male), and age (53), in violation of § 2-102(A) of the Illinois Human Rights Act ("Act"). On March 10, 2009, the Department dismissed the Complainant's charge for lack of substantial evidence. On April 13, 2009, the Complainant filed a timely request for review.

2. The Department's investigation revealed that the Complainant has worked at the Respondent, an independently owned McDonald's franchise, as a Crew Member since February 2008.

3. The Department's investigation also revealed that on March 7, 2008, Oscar Chavez ("Chavez"), an Assistant Manager of the Respondent, used the Complainant's cash register while the Complainant was on break. At the end of the day, Chavez informed the Complainant that his cash register drawer was $10.00 short. Then, the Complainant began to accuse Chavez of stealing the $10.00 from his drawer.

4. On March 10, 2008, the Complainant sent a letter to the Respondent in which he stated that Chavez stole $10.00 from the Complainant's cash register drawer and that Chavez was now attempting to reprimand him for theft. The next day, the Respondent met with the Complainant and Chavez. The Respondent informed the Complainant that no disciplinary action would be taken against the Complainant since Chavez also used the Complainant's cash register drawer. During the meeting, the Complainant became upset and displayed a piece of paper with the word "hate" written on it.

5. The Complainant continued to make accusations that Chavez stole the $10.00 from his cash register drawer. The Respondent considered the accusations toward a member of the Respondent's management team to be insubordination and discharged the Complainant on March 11, 2008.

6. In his charge of discrimination, the Complainant contends that he was a satisfactory employee and was discharged because of his race, national origin, sex, and age.

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 discharged him because of his race, national origin, sex, or age. 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 that a similarly situated non-black, non-Nigerian, female or younger employee was treated more favorably under similar circumstances. There is no evidence in the investigation file which shows that the Respondent's stated reason for discharging the Complainant was pretextual. The Complainant has not presented any evidence which demonstrates that the Complainant's discharge was based on unlawful discrimination.

9. 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, Kazanova Management Lake, Inc. d/b/a McDonald's, 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