

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST	)	
FOR REVIEW BY:	)	<b>CHARGE NO.:</b> 2009CF2938
	)	<b>EEOC NO.:</b> 21BA91517
	)	<b>ALS NO.:</b> 10-0204
<b>LAUREL TEAMER,</b>	)	
Petitioner.	)	

**ORDER**

This matter coming before the Commission by a panel of three, Commissioners Marti Baricevic, Robert S. Enriquez, and Gregory Simoncini presiding, upon Laurel Teamer’s (“Petitioner”) Request for Review (“Request”) of the Notice of Dismissal issued by the Department of Human Rights (“Respondent”)<sup>1</sup> of Charge No. 2009CF2938; 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 upon the premises;

NOW, WHEREFORE, it is hereby **ORDERED** that:

- (1) The Respondent’s dismissal of Count A of the Petitioner’s charge is **SUSTAINED** for **LACK OF SUBSTANTIAL EVIDENCE**; and,
- (2) The Respondent’s dismissal of Count B of the Petitioner’s charge is **VACATED**, and Count B of the Petitioner’s charge is **REINSTATED** and **REMANDED** to the Respondent for **FURTHER INVESTIGATION** consistent with this Order and the Act.

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

- 1. On November 20, 2008, the Petitioner filed a charge of discrimination with the Respondent. The Petitioner alleged her former employer, Seven Eleven, Inc. (the “Corporation”) discharged her on June 3, 2008, because of her perceived disability, diabetes (Count A) in violation of Section 2-102(A) of the Illinois Human Rights Act (the “Act”), and aided and abetted her then current employer in discharging her because of her perceived disability (Count B), in violation of Section 6-101(B) of the Act. The Respondent dismissed both counts of the Petitioner’s charge on March 4, 2010, for lack of substantial evidence. The Petitioner thereafter filed this timely Request on March 23, 2010.
- 2. From December 16, 2007, until May 26, 2008, the Petitioner worked as a non-managerial employee for the Corporation at its store #33872.

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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 requesting review of the Department’s action shall be referred to as the “Petitioner.”

3. On May 26, 2008, the Corporation discharged all of its non-managerial employees from store #33872, including the Petitioner. Store #33872 would thereafter become a franchise. The franchisees employed their own employees.
4. On June 1, 2008, the Petitioner was hired by Limrah Al-Waasi, Inc., to work at its franchise #33741.
5. On June 3, 2008, Limrah Al-Waasi, Inc., terminated the Petitioner's employment at its franchise # 33741.
6. In her charge, the Petitioner alleged that her former supervisor from store #33872 provided the president of franchise # 33741 with a negative reference. Specifically, her former supervisor allegedly stated that the Petitioner could not work without supervision because the Petitioner has diabetes. The Petitioner alleged this negative and allegedly false reference caused her to be terminated on June 3, 2008.
7. In her Request, the Petitioner argues that the adverse action taken against her on June 3, 2008, arose from the employment relationship between the Corporation and the Petitioner.
8. In its Response, the Respondent asks the Commission to sustain the dismissal of Count A of the Petitioner's charge because on June 3, 2008, no employer-employee relationship existed between the Petitioner and the Corporation. Further, as to the May 26, 2008, termination the Respondent argues there is no substantial evidence the Corporation discharged the Petitioner because of her perceived disability because the Corporation discharged all of its non-managerial employees from store # 33872 on May 26<sup>th</sup>.
9. However, as to Count B, the Respondent asks the Commission to vacate the dismissal of Count B so that it may conduct further investigation into the Petitioner's aiding and abetting claim against the Corporation.

## **Conclusion**

### *Count A: Unlawful Discharge*

The Commission has determined that the Respondent's dismissal of Count A of the Petitioner's charge shall be sustained 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. See 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. See In re Request for Review of John L. Schroeder, IHRC, Charge No. 1993CA2747 ( March 7, 1995), 1995 WL 793258 (Ill.Hum.Rts.Com.)

In Count A, the Petitioner specifically alleged in her charge that the adverse act occurred on June 3, 2008. However, it is uncontested that on June 3, 2008, the Petitioner was no longer employed by the Corporation. Rather, the Petitioner was employed by Limrah Al-Waasi, Inc. to work at its franchise # 33741. Therefore, because no employer-employee relationship existed between the Corporation and the Petitioner on June 3, 2008, the Corporation cannot be held liable under the Act for allegedly unlawfully terminating the Petitioner on June 3, 2008.

Further, to the extent Count A of the Petitioner's charge may be construed as alleging that the Corporation violated the Act when it discharged the Petitioner from store # 33872 on May 26, 2008, Count A was properly dismissed for lack of substantial evidence because the evidence is undisputed that the Corporation discharged all of its non-managerial employees from store #33872 on May 26<sup>th</sup>. As such, there is no substantial evidence the Petitioner was unlawfully discharged by the Corporation on May 26<sup>th</sup> due to her perceived disability.

*Count B: Aiding and Abetting*

As to Count B, the Respondent does not oppose the Petitioner's Request. Therefore, the Commission has determined that the Respondent's dismissal of Count B of the Petitioner's charge shall be vacated and Count B of the charge shall be remanded to the Respondent for further investigation into the Petitioner's allegation that the Corporation aided and abetted a violation of the Act.

**WHEREFORE, IT IS HEREBY ORDERED THAT**

- (1) The Respondent's dismissal of Count A of the Petitioner's charge is **SUSTAINED** for **LACK OF SUBSTANTIAL EVIDENCE**; and,
- (2) The Respondent's dismissal of Count B of the Petitioner's charge is **VACATED**, and Count B of the Petitioner's charge is **REINSTATED** and **REMANDED** to the Respondent for **FURTHER INVESTIGATION** consistent with this Order and the Act.

*This Order is not yet final and appealable.*

STATE OF ILLINOIS                    )  
  )  
HUMAN RIGHTS COMMISSION        )

**Entered this 18<sup>th</sup> day of November 2010.**

Commissioner Marti Baricevic

Commissioner Robert S. Enriquez

Commissioner Gregory Simoncini