STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

IN THE MATTER OF THE REQUEST	)	
FOR REVIEW BY:	)	CHARGE NO.: 2009CH2947
	)	HUD NO.: 050907338
DUWANNA WALKER,	)	ALS NO.: 09-0400
	)	
Petitioner.	)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners David Chang, Marylee V. Freeman and Yonnie Stroger presiding, upon Duwanna Walker's ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Department of Human Rights ("Respondent")[1] of Charge No. 2009CH2947; and the Commission having reviewed *de novo* the Respondent's investigation file, including the Investigation Report and the Petitioner's Request, and the Respondent's response to the Petitioner's Request; and the Commission being fully advised upon 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 13, 2009, the Petitioner filed an unperfected charge of discrimination with the Respondent, perfected on March 23, 2009. The petitioner alleged in her charge that the Joliet Housing Authority ("JHA"), altered the terms and conditions or privileges of her real estate transaction because of her disabilities, high blood pressure and depression, in violation of Section 3-102(B) of the Illinois Human Rights Act. On July 25, 2009, the Respondent dismissed the Petitioner's charge for Lack of Substantial Evidence and on July 29, 2009, the Petitioner filed a timely Request for Review.

2. The JHA administers the Section 8 Housing Choice Program for the Joliet, Illinois metropolitan area.

3. In September 2006, the Petitioner became a participant in the JHA's Section 8 program.

[1] 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."

4. On August 9, 2007, The Petitioner completed her yearly certification for good standing with JHA. The Petitioner signed a Report Income Verification form indicating that the Petitioner understood that she must report immediately any change of income to the PHA, and that failure to do so would result in her termination from the Section 8 program.

5. In January 2008, the Petitioner began receiving monthly unemployment compensation payments. The Petitioner did not report her change of income to the JHA until August 12, 2008.

6. On November 6, 2008, JHA sent the Petitioner notice that her participation in its Section 8 program would be terminated due to her failure to report this additional income. The notice informed the Petitioner of her right to an informal hearing regarding the matter.

7. On November 19, 2008, the Petitioner sent JHA a letter requesting an appeal of the JHA's decision to terminate her assistance. It was in this letter that the Petitioner informed JHA of her disabilities.

8. On December 1, 2008, after a hearing, the PHA terminated the Petitioner's participation in its Section 8 program.

9. In her charge and in her Request, the Petitioner alleges the PHA terminated her participation in its Section 8 program because of her disabilities.

CONCLUSION

The Commission's review of the Respondent's investigation file leads it to conclude that the Respondent properly dismissed all counts of the Petitioner's charge 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).

In reviewing the Respondent's investigation file, the Commission finds that several issues are uncontested. It is uncontested that; (1) the Petitioner was required to report a change of income to JHA; (2) Petitioner's failure to report a change of income to JHA would result in the Petitioner's termination from the Section 8 Program; (3) the Petitioner failed to report a change of income in January 2008, and (4) after JHA discovered the Petitioner had failed to report her income, the JHA terminated the Petitioner from its Section 8 Program.

There is no evidence in the investigation file that the JHA's decision to terminate the Petitioner's Section 8 voucher was motivated by the Petitioner's disabilities. Rather, the evidence shows the Petitioner informed JHA of her disabilities after JHA had already made the determination to terminate her Section 8 voucher based on her failure to report her change of income.

The Commission further considered the evidence that the JHA had terminated the Section 8 assistance of 68 other persons for failing to accurately report their income. Thus the evidence shows the Petitioner was treated the same as all non-disabled participants who failed to timely comply with JHA's income reporting requirements.

In the Petitioner's Request, she fails to provide any additional evidence which would warrant a reversal of the Respondent's dismissal of her charge. JHA has articulated a legitimate, non-discriminatory reason for terminating the Petitioner from the Section 8 program, and the Petitioner has failed to present any evidence that this articulated reason was a pretext for unlawful discrimination.

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

THEREFORE, IT IS HEREBY ORDERED THAT:

The dismissal of Petitioner'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 Joliet Housing Authority, as Respondents, with the Clerk of the Appellate Court within 35 days after the date of service of this order.

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)
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Entered this 10th day of February 2010.

Commissioner David Chang

Commissioner Marylee Freeman

Commissioner Yonnie Stroger