



**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF:)
)
TALMITCH JACKSON,)
Complainant,)
)
and)
) Charge No: 1989CF3347
) EEOC No: 21B891925
) ALS No: 10588
CITY OF CHICAGO, DEPARTMENT OF FIRE,)
Respondent.)

RECOMMENDED LIABILITY DETERMINATION

On September 9, 1998, Complainant filed the instant Complaint alleging Respondent, City of Chicago, Department of Fire (Fire Department), discriminated against him on the basis of religion, race and retaliation in violation of the Illinois Human Rights Act (Act), 775 ILCS 5/1-101 *et. seq.* A public hearing was held on September 26, 27 and 30, 2002. This matter is ready for decision.

CONTENTIONS OF THE PARTIES

Complainant contends Respondent discriminated against him on the basis of religion, race, and retaliation when it interfered with his religious vegetarian dietary practices, subjected him to unfair discipline, and provided a negative job reference to a prospective employer. Respondent denies that it discriminated or retaliated against Complainant.

FINDINGS OF FACT

Those following facts were determined to have been proven by a preponderance of the evidence. Assertions made at the public hearing that are not addressed herein were determined to be unproven or immaterial to this decision.

1. Complainant filed a Charge of Discrimination with the Illinois Department of Human Rights (Department of Human Rights) on February 8, 1989, perfected it on April 4, 1989 and amended it on August 21, 1991.
2. The Department of Human Rights filed a Complaint, on behalf of Complainant, with the Illinois Human Rights Commission (Commission) on September 9, 1998.
3. Complainant is an African American (black) male.
4. Complainant's religion is Baptist.
5. Complainant graduated from Illinois State University in 1982 with majors in industrial technology and construction.
6. After graduation, Complainant first worked for Friendly Trucking Company, then for the Cook County, Illinois Sheriff's Office.
7. Complainant left the Sheriff's Office to take a job with the Chicago Fire Department (Fire Department)
8. Complainant was hired as a firefighter with the Fire Department on or around February 17, 1987.
9. Initially, after being hired, Complainant was assigned to the Fire Academy.
10. Complainant graduated from the Fire Academy in May 1987 and was then certified by the State Fire Marshal as a firefighter.
11. Complainant was then assigned to Engine 7, located in Chicago at 4911 W. Belmont, as a probationary firefighter.
12. Engine 7 is a firehouse facility that houses an engine, a truck and an ambulance.
13. Edward Porter (Porter) was Captain of Engine 7 from February 1988 until February 1989; from February 1989 until July 1990, Porter was Captain of Truck 50, which was also stationed at 4911 W. Belmont.
14. Porter is currently Battalion Chief, Fifth Battalion, a position he has held the last 12 years.

15. As Captain, Porter was responsible for the entire firehouse for the day, including supervising the firefighters, the firehouse, the quarters, the housework, drilling and all emergency responses. As Captain, Porter was Complainant's immediate supervisor at Engine 7.
16. When Porter arrived at Engine 7 in February 1988, Complainant was already working there; and when Complainant later left the Fire Department to work for the Chicago Police Department, Porter remained the Captain at Engine 7.
17. There are three platoons or work shifts per firehouse. Each work shift is for twenty-four hours. Porter supervised the second platoon.
18. At the Engine 7 firehouse there would normally be an officer, an engineer and three firemen assigned each day for the engine; and a lieutenant, four firemen, an ambulance and two others assigned for the truck.
19. While Porter and Complainant worked at Engine 7 there was a "food club" (also referred to as the "cooking club") for the firefighters. Membership in the food club was voluntary.
20. Fire Department General Order No: 80-046, June 6, 1980, provides that "cooking clubs" are intended for the use of all members working daily, that all members working are to be invited to participate, that a member may choose not to participate, but shall not be excluded by any other person.
21. The operation of the food club at Engine 7 required all members to contribute approximately \$10.00 per day to the person designated as the cook. The designated cook would shop in the morning and purchase food and supplies with the contributions for that day and prepare lunch and dinner for the members.
22. The purpose of the food club was to provide low-cost, convenient and better-tasting meals for the firefighters, who are required to work in the firehouse for 24-hour shifts.

23. In the firehouse, there are three platoon refrigerators, which have locks on them, and one house refrigerator that is never locked.
24. If a firefighter was not in the food club, he could store his food in the house refrigerator.
25. Complainant believes his Baptist religion proscribes the killing of animals to eat for food. Complainant believes that God declared that the trees, the leaves, the vines and herbs were to be used for food.
26. During the time Complainant worked at Engine 7, he practiced a vegetarian lifestyle by not eating any meat.
27. Several of Complainant's co-workers at Engine 7 asked him why he didn't eat meat and he informed them that it was a part of his religious practice.
28. When Complainant first started at Engine 7, he voluntarily joined the food club. At that time, Harry was the cook and Complainant had no problems with the food preparation.
29. Later, Harry retired and Steve became the cook. When Steve became the cook, Complainant disagreed about the kinds of meals prepared and Complainant later opted out of the food club.
30. When Complainant opted out of the food club, he asked Porter for a place to store his food when he opted out of the food club and Porter suggested that he use the house refrigerator for perishables and his own personal locker for unopened, non-perishables.
31. Although Porter was not aware of Complainant's religion during Complainant's time at Engine 7, Porter was aware that Complainant did not eat meat.
32. The main cook, the secondary cook and the third cook, if there was one, had keys to the food club refrigerator lock. Only those members of the food club were allowed access to the food club refrigerator.

33. Around June of 1988, Complainant reported to Porter that some of the other firefighters were drinking alcohol and making racial slurs in the workplace. Complainant did not join in the drinking and the racial slurring in the firehouse. Complainant had a house meeting with Porter and the other firefighters to discuss his concerns. Porter investigated Complainant's concerns and reported the concerns to his superiors.
34. Later, Complainant had a meeting in the firehouse with Deputy District Chief Daniel Moll, Lieutenant George Gemein, and Captain Edward Porter. During this meeting, Complainant complained that other firefighters were drinking alcoholic beverages in the firehouse and making racial slurs and that there were things going on in the firehouse that he found objectionable.
35. Respondent's policy on lost or stolen equipment is that any lost or stolen equipment has to be replaced at the owner's own expense. Fire Department General Order 87-001 dated January 1, 1987, referring to Clothing Replacement, states at item E. 1. d. that lost, stolen, damaged items, not due to a member's negligence, will be replaced at the department's expense. Fire Department Addendum 87-001A to General Order 87-001 Item III –E-1-d dated February 24, 1987, states that lost/stolen items will be addressed in accordance with Section 16.9 of the current Labor Agreement. Section 16.9 of the Labor Agreement states that the employer is not responsible for replacing items lost or stolen.
36. On or around October 2, 1988, Complainant discovered that his fire equipment and clothing (also referred to as turnout gear) was missing from the firehouse and reported to Porter that he believed his turnout gear had been stolen.
37. Porter asked the other in-house firefighters if they had any knowledge about the whereabouts of Complainant's turnout gear and also conducted a search of the firehouse and could not find it. Porter allowed Complainant to use another

- firefighter's turnout gear for that day and informed him that he was expected to replace his own equipment.
38. The Fire Department does not allow firefighters to work without turnout gear. Complainant subsequently came to work on his next workday, October 7, 1988, without his turnout gear. Porter ordered Complainant to go home, docked his pay for the day and filed an investigative review to begin disciplinary procedures for Complainant's refusal of an order to replace his turnout gear. Complainant again returned to work on October 13, 1988 without his turnout gear. Again, Porter ordered him to go home, docked his pay for the day, and filed another allegation of violations form. A docking of pay is not the same disciplinary measure as a suspension. Although Complainant was sent home on the two occasions, this action was not considered by Porter to be a suspension.
39. Porter does not have authority to suspend Complainant.
40. There are times when Engine 7 firefighters are detailed to other firehouses and, upon return to Engine 7 they discover that they have left some of their turnout gear back at the temporary firehouse. When this would happen, Porter would allow them to wear a co-worker's turnout gear until they could retrieve their own. Although there were times when an Engine 7 firefighter would leave his turnout gear at another firehouse, neither Porter nor Complainant could recall a time when a firefighter's turnout gear had been missing or stolen from the firehouse.
41. Charles Stewart (Stewart) was Assistant Director of Personnel from April 1988 until May 5, 1995; and Director of Personnel from May 1995 until the present. As Assistant Director of Personnel, Stewart assisted the director in performing his duties. The duties of director include supervising the personnel division, which consists of the medical section, employee assistance program, data entry (MIS) section, employment and injury on duty claims section.

42. When an employee graduates from the Fire Academy, a transfer order is sent to the captain of a firehouse indicating that the employee has graduated from the Fire Academy and is being assigned to that particular firehouse. When an employee is assigned to a firehouse, no personnel forms are sent to the firehouse. The only form that is sent is a transfer order form. All personnel forms are maintained at the personnel division and are not kept at the firehouse. No Fire Department personnel forms request or have information concerning an employee's religion.
43. Complainant resigned the Fire Department on November 14, 1988; however, Complainant had begun working for the Chicago Police Department on November 8, 1988, but had not informed the Fire Department at that time.
44. Although Complainant resigned on November 14, 1988, Stewart changed Complainant's resignation date to November 7, 1988, so that the payroll records would not reflect that Complainant had been on the payroll for the Fire Department and the Chicago Police Department simultaneously.
45. While working for the Chicago Police Department, Complainant was promoted from a patrol officer to detective and to a position on the tactical unit. While a Chicago Police Officer, Complainant received the Carter Harrison Award for bravery; the Blue Star Award for getting injured in the line of duty; the Fraternal Order of Police Award of acknowledgment for service; and the Sheriff's Law Enforcement Award for valor.
46. In February 1990, Complainant applied for a position as a special agent with the Federal Bureau of Investigation (FBI). Complainant signed a release authorizing the FBI to conduct a background investigation, including a review of his employment history and records with the Fire Department. In October 1990, FBI Special Agent Joseph Jackson (Agent Joseph) presented the release to the

personnel office and Stewart allowed him to examine Complainant's personnel file. Agent Joseph asked Stewart about dock notices in Complainant's file and Stewart explained to him that the dock notices were produced when Complainant had not appeared for work at scheduled times; however, following the production of the dock notices, the Fire Department Personnel Department was made aware that Complainant had begun working for the Chicago Police Department and that Complainant had been on the police department payroll at the time the dock notices were produced.

47. Sometime between October 1990 and April 1991, Porter was contacted by the Fire Department personnel office and informed that an FBI agent would be contacting him to interview him about Complainant's employment history. Porter spoke to a person by telephone who identified himself as an FBI agent. Porter never met with the FBI agent personally. The FBI agent asked Porter if he thought Complainant could become a good FBI agent and Porter told the agent that he believed Complainant could and he believed Complainant had the capabilities to become a good FBI agent. Without being asked, Porter voluntarily told the agent that he believed Complainant had been using "phony" injuries to get time off from work to go to school and that he believed Complainant had been misusing the sick policy.

48. At the time he made this statement, Porter was aware Complainant had filed a Charge of discrimination with the Department; however, Porter had no knowledge of any evidence indicating Complainant had been using phony injuries or misusing the sick policy and there were no documents in Complainant's personnel file supporting his statement. Porter told the FBI agent that he had no proof to support his statements and that the statements were made upon his belief.

49. Complainant was upset to learn about the statements made to the FBI agent by Stewart and Porter. Complainant believed the statements ruined his chances of becoming an FBI agent.
50. Complainant filed a civil suit in Illinois Circuit Court, appealed to the Illinois Appellate Court, based on claims of defamation and tortious interference with economic advantage and naming as defendants, the City of Chicago Fire Department (CFD), CFD Director of Personnel Charles Stewart III, CFD Assistant Director of Personnel, Edward Porter, CFD 7th Battalion, and Daniel Moll, CFD Deputy District Chief. The circuit court found in favor of defendants and against plaintiff on both claims and the appellate court affirmed. **Jackson v. City of Chicago, Chicago Fire Department, et. al**, Illinois Circuit Court No. 91 L 17028, affirmed by the Illinois Appellate Court in **Jackson v. City of Chicago, Chicago Fire Department, et. al**, Ill.App.Crt. (1st. Dist.)(No-96-2976), Order of March 20, 1998.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the Parties and subject matter of this action.
2. Complainant has established a prima facie case of religious and race discrimination and unlawful retaliation.
3. Respondent has articulated a legitimate non-discriminatory reason for its conduct in denying Complainant access to the platoon refrigerator and cabinets in the religious discrimination claim.
4. Respondent has articulated a legitimate non-discriminatory reason for its conduct in docking Complainant's pay for two days in the race discrimination claim.
5. Respondent has not articulated a legitimate non-discriminatory reason for giving an adverse employment reference regarding Complainant to a prospective employer.

6. Complainant has failed to demonstrate, by a preponderance of the evidence, that Respondent's articulated reason for its conduct in the religious discrimination claim was a pretext for religious discrimination.
7. Complainant has failed to demonstrate, by a preponderance of the evidence, that Respondent's articulated reason for its conduct in the race discrimination claim was a pretext for race discrimination.
8. Complainant has proved, by a preponderance of the evidence, that Respondent's dissemination of a negative job reference to the FBI was motivated by unlawful retaliatory animus.

DETERMINATION

Complainant has not established, by a preponderance of the evidence, that Respondent unlawfully discriminated against him on the basis of religion and race. Complainant has established, by a preponderance of the evidence, that Respondent unlawfully discriminated against him on the basis of unlawful retaliation.

DISCUSSION

A Complainant bears the burden of proving discrimination by a preponderance of the evidence, in accordance with the Act at 775 ILCS 8A-102(l). That burden may be satisfied by direct evidence that an adverse employment action was taken for unlawful discriminatory reasons or through indirect evidence pursuant to **McDonnell Douglas Corp. v. Green**, 411 U.S. 793, 93 S.Ct. 1817 (1973) and **Texas Dept. of Community Affairs v. Burdine**, 450 U.S. 248, 101 S. Ct. 1089 (1981), adopted by the Illinois Supreme Court in **Zaderaka v. Illinois Human Rights Commission**, 131 Ill.2d 172, 545 N.E.2d 674 (1989).

Direct evidence usually consists of statements by the employer which explain or reveal the employer's discriminatory motives and can consist of any facts that make it more likely than not that the employer's actions were motivated by unlawful

discrimination. Such facts would require Respondent to articulate a legitimate reason for its actions. **Mott and City of Elgin**, __ Ill. HRC Rep. __ (1986 CF 3090, June 30, 1992).

Indirect evidence in employment discrimination cases is analyzed under the **McDonnell-Douglas** three-step approach, the Complainant must first prove, by a preponderance of the evidence, a *prima facie* case of discrimination, which raises a rebuttable presumption that the employer unlawfully discriminated against him. Once the Complainant has demonstrated a *prima facie* case, the employer then has the burden of articulating a legitimate, non-discriminatory reason for the adverse employment action. If the employer carries its burden of production, the presumption of discrimination drops and the Complainant is required to meet his continuing burden of proving by a preponderance of the evidence that the employer's articulated reason was not its true reason, but rather, merely a pretext for discrimination. **St. Mary's Honor Center v. Hicks**, 509 U.S. 502, 113 S. Ct. 2742 (1993). The burden of proving that the employer engaged in discrimination remains at all times with the Complainant. **Burdine**, *supra*.

- I. Was Complainant discriminated against on the basis of religion when he was denied access to the refrigerator and other kitchen facilities?

Under Section 2-101(F) of the Human Rights Act, the term "religion" includes all aspects of religious observance and practice, as well as belief, unless the employer demonstrates that it is unable to reasonably accommodate the religious belief or practice without undue hardship on the conduct of the employer's business.

A. Complainant's *prima facie* case

As with any case, the elements of a *prima facie* case will vary according to the specific claim. In **Blair v. Graham Correctional Center**, 782 F. Supp. 411 (1992), the court required the complainant to show: 1) that he had a bona fide religious practice or

belief that conflicted with an employment requirement; 2) he informed the employer of this belief; and 3) the failure to comply with the conflicting employment requirement adversely affected the employee. However, in **Dickison and State of Illinois, Department of Rehabilitation**, __ Ill. HRC Rep__, (1990SF0004, March 10, 1995), the Commission required complainant to show a different set of *prima facie* elements as set out in **Shapolia v. Los Alamos National Laboratory**, 992 F.2d 1033 (10th Cir.1993): 1) he was subjected to some sort of adverse action; 2) at the time the employment action was taken, complainant's job performance was satisfactory; and 3) there is some additional evidence to support the inference that the employment actions were taken because of a discriminatory motive based upon complainant's failure to hold or follow his or her employer's beliefs.

The **Shapolia** elements present an appropriate *prima facie* scenario for this claim. As to the first element, Complainant submitted testimony that he was subjected to an adverse employment action when he was not allowed to have a key to the platoon refrigerator and the cabinets and when he was not allowed appropriate storage facilities to accommodate his vegetarian diet foods. There was no evidence that Complainant's performance was not satisfactory, so Complainant satisfies the second element.

As to the third element, Complainant presented sufficient evidence to support the inference that he was not allowed access to the refrigerator and the cabinets because of a discriminatory motive based upon Complainant's failure to hold or follow his employer's beliefs. Complainant submitted credible evidence that most of the other firefighters on his shift preferred to eat meals that included meat and that he adhered to a vegetarian diet based upon his religious beliefs. When Complainant's fellow firefighters inquired as to why Complainant did not eat meat, he told them that eating meat was contrary to his religion. There was testimony that Complainant and the cook had a dispute every day about the meal preparation. The reasonable inference is that the

dispute stemmed from Complainant's dissatisfaction that the meals being prepared included meat. This dispute prompted Complainant to opt out of the food club, after which Complainant was not given a key to the platoon refrigerator or the cabinets. Such a circumstance suggests Complainant was not allowed access to the storage facilities because of his religious belief.

Respondent argues that Complainant failed to show that his practice of avoiding meat has a basis in the Baptist religion. Respondent contends that being Baptist is a denomination, while Christianity is a religion and that the tenets of Christianity do not prohibit the eating of meat.

As to Respondent's suggestion that Complainant's vegetarianism is a personal preference and is not sincerely tied to his religious beliefs, I note that section 2-101(F) of the Act defines "religion" as "all aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business." I do not find it necessary to explore the religious practices of Baptists specifically, or Christians generally, and there has been no expert testimony to guide me. I have, however, considered the sincerity of Complainant's belief as demonstrated by his conduct at the time of the conflict and his testimony. I find Complainant's demonstration that his meat avoidance stemmed from his religious beliefs to be genuine and credible.

B. Respondent's articulation

Respondent contends that it was unaware of Complainant's religious affiliation, that it did not ridicule him for his vegetarian practices and that it did not prohibit him from having access to appropriate storage facilities.

Porter testified that the Engine 7 firehouse, as the other firehouses, maintained a voluntary food club. The food club operated in a manner that each member working for that day would contribute \$10.00 to the designated cook for the day. The cook would go out shopping in the morning and buy food and supplies for that day to prepare a lunch and a dinner meal. The cook would prepare the meals for everyone in the food club to eat. If a firefighter did not want to participate as a food club member, he could bring his own food and place it in the house refrigerator, which was available to everyone.

Porter explained that there were three platoons at Engine 7. There were three locked platoon refrigerators and one unlocked house refrigerator at the Engine 7 firehouse. The platoon refrigerators were locked so that each platoon could purchase additional food items to stockpile and be assured that members could only help themselves to food from their own platoon's refrigerator. Porter further testified that only the primary and secondary cooks had keys to the appropriate platoon refrigerator and cabinets. Porter said that sometimes there would be a third cook who had keys for occasions when the primary and secondary cooks were on vacation. Porter said that only members were allowed access to the specific platoon food club refrigerator and cabinets and that everyone, including non-food club members, was allowed access to the house refrigerator. Porter contends that, after Complainant opted out of the food club, Complainant asked him where he could store his food and he told Complainant that he could store his unopened food in his personal locker and his perishables in the house refrigerator. Respondent has articulated a non-discriminatory reason for its action.

C. Complainant's demonstration of pretext

Complainant has the burden of proving that the articulated reason was mere pretext for discrimination. A Complainant may establish pretext either directly, by offering evidence that a discriminatory reason more likely motivated the employer's

actions, or indirectly, by showing that the employer's explanation are not worthy of belief. **Burnham City Hospital v. Illinois Human Rights Commission**, 126 Ill. App.3d 999, (4th Dist. 1984). A Complainant may demonstrate that the proffered reason has no basis in fact; the proffered reason did not actually motivate the decision; or the proffered reason was insufficient to motivate the decision. **Grohs v. Gold Bond Products**, 859 f.2d 1283 (7th Cir. 1988).

Complainant seeks to prove that Respondent's explanation is not worthy of belief and that he was not allowed to store his food in the refrigerator or the cabinets because of his religious practice of not eating meat. For the following reasons, Complainant's demonstration fails.

The record supports that when Complainant first came to Engine 7, he initially joined the food club. A firefighter named Harry was the cook at the time and Complainant was pleased with the meals Harry prepared. Later, Harry retired and a firefighter named Steve took over the responsibilities as cook. Complainant and Steve began daily disputes as to the kind of meals that were prepared. Although Complainant did not specifically testify as to the source of the disputes, the logical inference is that the disputes centered around Complainant's preference for meatless meals. This on-going dispute prompted Complainant to opt out of the food club. Although Porter contends he was unaware of Complainant's religious affiliation and had no knowledge that Complainant was vegetarian, the record supports that Porter was at least aware that Complainant was a vegetarian.

This conclusion is supported by Porter's admission that he was aware there was a daily dispute between Complainant and the cook over the kind of meals prepared and that this dispute prompted Complainant's exit from the food club. It is difficult for me to believe that Porter – in his position of Captain with responsibility for the entire shift –

would be aware that there was a daily dispute about meal preparation between two members of his platoon and make no inquiry as to the specific basis of this dispute.

Complainant contends that Porter was aware of his religion because his personnel forms reflected his religion and that these forms would sit on the desk for everyone to see. Complainant submits no evidence to support this. Stewart, Fire Department Director of Personnel, credibly testified that Respondent does not maintain a record of employees' religion and that he was not aware of any personnel form that requested information on an employee's religion. Although Complainant testified that he informed his co-workers -- in response to their inquiries -- that he did not eat meat because it was his religious practice, Complainant does not offer any evidence that he informed Porter of his religious beliefs. Therefore, there is nothing in the record to suggest that Porter or any supervisory personnel were aware of Complainant's religion or that his vegetarianism was based on a religious practice. Without proof of this knowledge, Complainant is left with a claim of vegetarian dietary discrimination -- if there is such a thing -- and the Act does not provide this protection.

However, assuming *arguendo* that Porter had knowledge that Complainant's vegetarian lifestyle was due to a religious practice, the record does not support that Porter's articulation is pretextual. Porter credibly testified that, after Complainant opted out of the food club, Complainant asked him where he could store his food and Porter told him he could put perishables and opened items in the house refrigerator and unopened items in his own personal locker.

Although Complainant contends he was not allowed any food storage options, Complainant's evidence on this issue is weak. When asked during the public hearing whether there was any other storage place to store his food, Complainant testified "No. There was no other way." However, Complainant testified that he was aware there was a separate house refrigerator, but says that Porter did not tell him he could store his food

in it. However, Complainant submits no testimony that Porter told him he could *not* store his food there or that Porter otherwise took any action to prevent him from using the house refrigerator. Complainant totally fails to give any explanation of his understanding of the purpose and practice of the house refrigerator. Therefore, Porter's testimony that there was a permanently unlocked house refrigerator that was available to every member in the firehouse stands un rebutted. Further, Complainant testified that *most* of the firefighters were in the food club. I logically expected specific testimony as to how the other similarly situated non-food club members who were not practicing religious dietary practices were treated. That expectation was not fulfilled.

As to the question of who had access to refrigerator keys, Complainant's testimony is similarly vague on this issue. Complainant submitted no testimony as to whether he personally was allowed to have keys to the platoon refrigerator and cabinets when he was in the food club and if and when those keys were taken from him when he opted out of the food club. Although Complainant generally testified that everyone had keys to the platoon refrigerator except for him, Complainant's testimony sheds no light as to the food club or non-food club status of those specific members who had keys as distinguished from those who may not have had keys.

In light of Porter's specific testimony that only the particular firefighters responsible for cooking had keys, the record supports that Complainant did not have keys even when he was a member of the food club, since Complainant was obviously not the designated cook during that time. Therefore, the failure to have keys after he opted out of the food is inconsequential.

Notwithstanding whether keys were allotted and to whom, Complainant was allowed access to the platoon food club refrigerator and cabinets as a food club member; when Complainant opted out of the food club, his access to the platoon food club refrigerator and cabinets ceased. However, the record supports that Complainant

was allowed to use the house refrigerator for perishables and his personal locker for unopened non-perishables. The record further supports that Complainant, as a non-food club member, was provided refrigerated food storage and dry food storage facilities comparable to those in the food club. There is nothing in the record to support that Complainant was treated any differently than any other non-food club member. The record supports that all platoon refrigerators were locked to keep all non-food club members out and to keep members from other platoons out. Complainant's access privileges changed because he opted out of the food club, not because of his religious-based vegetarianism. The record fails to support that Complainant was not allowed appropriate storage facilities for his meatless meals or that he was treated any less favorably than other non-food club member because of his religious beliefs, therefore, Complainant's demonstration of pretext fails.

II. Was Complainant discriminated against on the basis of race when Respondent docked him two days of pay and did not allow him to work?

Complainant alleges Respondent discriminated against him on the basis of race by sending him home and docking his pay for two days when he did not have his turnout gear. Complainant contends that other white firefighters were allowed to borrow turnout gear when they needed to and were never docked pay or sent home.

A. Complainant's *prima facie* case

Complainant seeks to demonstrate direct evidence of discrimination by showing that racial animosity was prevalent in the firehouse. Complainant contends that there was a huge Confederate flag displayed prominently in the locker room, there were swastikas on the lockers, and that the other firefighters would make general racial slurs and speak about African-Americans in disparaging and derogatory ways. Complainant

maintains that this behavior would be exacerbated when the other firefighters would drink alcoholic beverages and get drunk in the firehouse. Complainant contends that when the other firefighters would drink, they would make racial slurs and tell “nigger jokes,” and that some of the nigger jokes were made by his supervisors. Complainant says that he did not participate in the drinking or the jokes. Complainant further alleges that his fellow firefighters would put substances in his food and urinate in his boots.

An employee may demonstrate a *prima facie* case of race discrimination through direct evidence. Direct evidence is evidence that can be interpreted as an acknowledgement of discriminatory intent by the defendant. Direct evidence usually consists of statements by the employer which explain or reveal the employer’s discriminatory motives and can consist of any facts that make it more likely than not that the employer’s actions were motivated by unlawful discrimination. Such facts would require Respondent to articulate a legitimate reason for its actions. **Mott**, *supra*.

Again, Complainant’s testimony as to the racial slurs, conduct and jokes was hazy at best. Complainant could not recall any of the specific jokes, could not recall the names of any of the specific firefighters who made the racial jokes and could not recall any specific dates, times or circumstances when the alleged jokes were made. Complainant’s testimony as to the circumstances and facts surrounding his allegations that co-workers put substances in his food and urine in his boots was similarly vague. Complainant produced no evidence that he reported the specific incidences regarding the food and the boots to his superiors or that he filed any formal or written complaints. Complainant’s presentation is gravely lacking in the specifics necessary to support a direct *prima facie* case of race discrimination. For these reasons, Complainant’s direct *prima facie* showing fails.

Complainant also attempts to establish a *prima facie* case of racial discrimination by the indirect method. A *prima facie* case using indirect evidence may vary somewhat

according to the nature of the claim made and the factual situation presented. **Turner v. Human Rights Comm'n**, 177 Ill.App.3d 476 (1988); **Valley Mould & Iron Co. v. Human Rights Comm'n**, 133 Ill.App.3d 273 (1985). In general, the Complainant must show that (1) he is a member of a protected class; (2) he suffered an adverse employment action; and (3) similarly situated employees outside of the protected class were treated more favorably. **Dixon and Borden Chemical**, 46 Ill. HRC Rep. 116 (1985), **Sheffield and Wilson Sporting Goods Co.**, ___ Ill. HRC Rep. (1990CF1450, May 7, 1993); **St. Mary of Nazareth Hospital Center v. Curtis**, 163 Ill. 3d 566 (1987); **Freeman United Coal Mining Co. V. Human Rights Comm'n** 173 Ill.App.3d 965 (1988), **ISS International__Service System, Inc. v. Illinois Human Rights Commission**, 272 Ill.App.3d 969, 651 N.E.2d 592, (1995).

The first two elements are undisputed. Complainant is a member of a protected class and Complainant suffered an adverse employment action when he was sent home and docked pay for not having his turnout gear. For the third element, Complainant seeks to prove that similarly-situated employees outside of the protected class were treated more favorably than he. Complainant contends that when other firefighters not in the protected class did not have their turnout gear, they were not sent home or docked pay and that they were routinely allowed to use the turnout gear of co-workers assigned to other shifts if they needed to and that the practice of borrowing gear never created a problem. Complainant has demonstrated an indirect prima facie case.

B. Employer's Articulation

Porter agrees that there were occasions when other firefighters would come to work without their turnout gear, usually because it had been left at another firehouse to which the firefighter had been temporarily assigned. On these occasions, Porter would

allow the firefighters to use another firefighter's gear and order them to retrieve their own equipment.

Respondent maintains that it followed Fire Department policy by ordering Complainant to replace his missing equipment and by refusing to allow him to work and docking his pay when Complainant appeared at work on the two occasions without his own equipment.

Porter testified that, although the policy regarding stolen items had previously provided that the Fire Department would incur the expense of replacement, that policy was changed February 24, 1987 by Fire Department order, which states that the employer is not responsible for replacing lost or stolen items. Porter further testified that his own practice was to allow a firefighter to borrow gear for the first day he appeared to work without it; however, he would order the firefighter to retrieve his gear. Respondent has articulated a legitimate non-discriminatory reason for its action.

C. Complainant's demonstration of pretext

After Respondent's articulation, Complainant must demonstrate that Respondent's articulation is mere pretext for unlawful discrimination. Complainant seeks to demonstrate that Respondent's proffered explanation for sending him home and docking his pay was mere pretext for race discrimination.

Complainant testified that he requested a house meeting to discuss his objection to the members' drinking in the firehouse. A little later on, Complainant maintains he had a meeting in the lieutenant's quarters with Porter, Deputy District Chief Daniel Moll and Lieutenant George Geimer to discuss the alleged drinking, derogatory comments, and racial slurs being made in the firehouse. Complainant says that Gemain and Porter were laughing and told Complainant "it was like this before you got here and when you

leave it is going to be like this.” Complainant says that during the meeting, Porter facetiously laughed about the notion that any members would drink in the firehouse.

Subsequent to this meeting, on October 2, 1988, all of Complainant’s fire clothing, also referred to as turnout gear, was missing from the firehouse. Turnout gear consists of all fire clothing such as boots, coat, helmet and gloves. Complainant’s turnout gear had been in a first floor walk-in room where the firefighters hung their coats, helmets and other fire gear. When Complainant discovered his turnout gear had been stolen, he reported it to Porter. Porter conducted a search and questioned everyone in the firehouse about the missing turnout gear and could not find it. Porter allowed Complainant to use another firefighter’s turnout gear for that day and informed Complainant that he was responsible for replacing his own turnout gear.

When Complainant returned to work on October 7, 1988 without his turnout gear, Porter sent Complainant home, docked his pay, and began the process to document written allegations of rule violations against Complainant. Complainant returned to work on October 13, 1988 without his turnout gear and again was sent home and docked pay for the day.

Complainant filed a grievance with his union requesting the Fire Department to pay to replace his turnout gear. Stewart testified that a union employee had the right under the union agreement to file a grievance about anything. Stewart said that some grievances are resolved immediately, but some have to follow several steps, which may include a discussion with labor relations or arbitration and, since grievances take some time to resolve, the prevailing practice in union grievances was to “obey now, grieve later.” Stewart said that the practice was interpreted to mean that the grievant was to obey the grieved rule or decision immediately and then allow the grievance process to resolve the matter.

Porter contends that Fire Department policy is that anything lost or stolen had to be replaced at the owner's expense. The policy as stated in the Fire Department's General Order 87-001 January 1, 1987, indicates that stolen items "not due to a member's negligence will be replaced at the department's expense." This policy was amended by order 87-001A, February 24, 1987, which provided that lost/stolen items will be addressed in accordance with Section 16.9 of the current Labor Agreement. The relevant section of the Labor Contract, January 1, 1984-December 31, 1987 states that "The Employer is not responsible for replacing items lost or stolen."

Although Respondent points to its written policy statement that the Department is not responsible for lost or stolen items, Porter admits that he routinely allowed firefighters to borrow equipment from other firefighters, but only for the first day the equipment was not available. Porter and Complainant both implied that stolen firefighter equipment was a rarity. The unusual nature of the missing equipment prompted Complainant to file a grievance with the union to request the Department to pay to replace his equipment because he believed it was stolen from the firehouse, rather than lost due to some negligence of his own.

Porter explained that firefighters were sometimes temporarily detailed to other firehouses and that on occasion they would leave their boots, helmet or other equipment at the detailed firehouse when they returned to their regularly assigned firehouse. In those cases, Porter would allow the firefighter to borrow someone else's equipment for a day and admonish the firefighter to retrieve his equipment the next day.

The policy on lost/stolen equipment does not address whether a firefighter can be allowed to borrow a co-worker's equipment and for how long. The evidence supports that Porter reserved discretion as to whether he would allow the borrowing of turnout gear when a firefighter appeared to work without the proper equipment and for how long.

Although Porter would regularly allow firefighters to use a co-worker's equipment if they did not have their own equipment, this situation usually presented itself when a firefighter would inadvertently forget to bring his equipment from another firehouse. Porter had not previously been confronted with a situation such as Complainant's, where all of his turnout gear was mysteriously missing from his assigned firehouse.

Although the rare and suspect nature of Complainant's turnout gear mysteriously missing from the firehouse is a curious event to have happened after Complainant had opposed conduct by his co-workers that included drinking and making racial slurs in the workplace, Porter responded appropriately by conducting a search of the firehouse and querying the other firefighters. Porter then allowed Complainant to use a co-worker's turnout gear in order to work that day and ordered him to replace the equipment. Complainant returned to work five days later without the turnout gear and Porter sent him home and docked his pay. Complainant returned again six days later without the turnout gear and received the same response from Porter.

Although -- in order to replace his turnout gear -- Complainant was faced with an exercise that would require more time and monetary expenditure than a trip across town to retrieve an item, there is nothing in the record to support that Porter treated Complainant any more severely than he did any other firefighter who appeared to work without his equipment.

Complainant has failed to meet his burden of proving that Respondent's proffered reason for sending him home, docking his pay for two days, and documenting rule violations against him was pretextual.

III. Was Complainant retaliated against for opposing discrimination when Respondent gave an adverse employment reference to a prospective employer?

Complainant alleges that around April 1991, while his discrimination Charge was pending with the Department of Human Rights, he was in the process of applying for a position with the FBI. As a part of the application process he authorized the FBI to investigate his employment history with previous employers. During the employment investigation, Complainant contends that Porter and Stewart gave an FBI investigator negative references about his employment history. Complainant maintains the negative references were given in retaliation for his having filed the discrimination Charge and resulted in his being rejected for the FBI position.

Respondent argues that the issue of whether Respondents gave negative post-employment references in retaliation for Complainant having filed a discrimination charge has previously been litigated and is therefore barred from further litigation at the Commission.

A. Is the issue of retaliation barred by the doctrines of *res judicata* and *collateral estoppel*?

Respondent argues that the issue regarding negative employment references has been previously litigated in the Illinois Circuit Court and affirmed by the Illinois Appellate Court in **Jackson v. City of Chicago, Chicago Fire Department, et. al**, Ill.App.Ct. (1st. Dist.)(No-96-2976), Order of March 20, 1998, and, therefore, the doctrines of *res judicata* and *collateral estoppel* preclude this matter from being further litigated at the Commission.

The Commission has ruled that where there has been an adjudication upon the merits by a court of competent jurisdiction, it constitutes a bar to a subsequent action involving the same claim or cause of action by the doctrine of *res judicata*. **Goodwin and United Food & Commercial Workers Local No, 550-R**, 30 Ill. HRC Rep. 64 (1987), citing **Towns v. Yellow Cab Co.**, 73 Ill. 2d 113, 382 N.E.2d 1217, (1978).

Moreover, the doctrine precludes a party from raising in a subsequent action not only every matter that was offered to sustain or defeat the claim made in the prior action, but also any other matter that might have been offered for the purpose. **Bagnola v. SmithKline Beecham Clinical Laboratories**, 333 Ill.App. 3d 711 (1st Dist. 2002); **Thorleif Larsen and Son, Inc. v. PPG Industries, Inc.**, 177 Ill App. 3d 656, 532 N.E. 2d 423 (1988).

The doctrine applies when there is (1) a former adjudication on the merits by a court of competent jurisdiction; (2) identity or privity of parties; (3) the same subject matter; and (4) the same claim. **Martinez v. Admiral Maintenance Service**, 157 Ill.App.3d 628, 510 N.E.2d 1122, (1st Dist.); **Reason and United Parcel Service, Inc.**, __ Ill. HRC Rep. __ (1985CF2601, July 26, 1991).

The doctrine of *collateral estoppel* operates to bar relitigation of issues or factual determinations that were previously determined by a court of competent jurisdiction. Three elements must be present to invoke the doctrine: 1) A final judgment on the merits was entered in a prior action; 2) the issue decided in the prior adjudication is identical with the one presented in the suit in question; and 3) the party against whom *collateral estoppel* is asserted was a party or in privity with a party in the prior action. **St. Paul Fire & Marine Ins. Co. v. Downs**, 247 Ill. App. 3d 382, (1st Dist. 1993).

Under the circumstances in this matter, I see no just reason why either doctrine applies. Respondent has failed to demonstrate that the causes of action decided are identical to the causes of action before the Commission. In **Seeley and City of Champaign, Illinois**, __ Ill. HRC Rep. __, (1994SF0288, August 19, 1997), the Commission discussed the Illinois Appellate Court decision in **Village of Bellwood Bd. Of Fire and Police Comm'rs v. Illinois Human Rights Comm'n**, 184 Ill. App. 3d 339, 541 N.E. 2d 1248 (1989). In **Bellwood**, the Bellwood Board had argued to the Appellate Court that filing a human rights complaint with respect to a discharge subject to the

Police Board's jurisdiction was the same as filing a judicial review action of the Police Board's determination. The Appellate Court disagreed, stating "...we construe the filing of such a petition [a complaint with the Human Rights Commission] as a separate action specifically authorized by the [Illinois Human Rights Act]." 541 N.E.2d at 1254.

In **Seeley**, the Commission held that, pursuant to the Act, the Commission has exclusive jurisdiction to determine claims pursuant to the Act and that administrative agencies will not give *res judicata* effect to the decisions of courts and sister agencies, where the granting of preclusive effect would undermine that primary purpose of the Act. (See also, **Mein v. Masonite Co.**, 109 Ill 2d 1, 485 N.E.2d 312, (1985) holding that the Act is the "exclusive source for redress of alleged human rights violations").

The issues in the matter before the Illinois Circuit Court and the Illinois Appellate Court were pursuant to causes of action for defamation and tortious interference with economic advantage. (Plaintiff did not appeal the trial court's judgment in favor of defendants on the claim for tortious interference with economic advantage.) In reviewing the Appellate Court decision in the cited case, which is a part of the record, **Jackson v. City of Chicago**, Ill App. Ct. (1st Dist) (No-96-2976), Order of March 20, 1998, I note that Complainant's defamation claim under Illinois common law was analyzed under a specific framework that required Complainant to prove that the alleged defamatory statements fell into distinct categories that impute defamation by law, which proof could be negated if the alleged defamatory statements were reasonably capable of an "innocent construction."

There is no analogous framework or construction required to prove a claim pursuant to the Act. The issue before the Commission is whether Respondent was motivated to communicate an unwarranted negative reference to a prospective employer in retaliation for Complainant having opposed discrimination by having filed a claim of discrimination against the employer pursuant to the Act. Complainant did not have a

chance to adjudicate this particular cause of action in the state courts. Accordingly, Respondent's *res judicata* and *collateral estoppel* arguments are rejected.

B. Complainant's *prima facie* case

To establish a prima facie case of retaliation, Complainant must establish 1) that he engaged in a protected activity; 2) that Respondent took an adverse action against him; and 3) that there was a causal nexus between the protected activity and Respondent's adverse action. **Carter Coal Co. v. Human Rights Commission**, 261 Ill.App.3d 1, 633 N.E.2d 202 (5th Dist. 1994).

The Act applies to post-employment conduct for allegations that an employer gave a negative reference to a prospective employer in retaliation for the former employee having filed a charge of race discrimination. **Campion and Blue Cross and Blue Shield Association**, __ Ill HRC Rep.__, 1988CF0062 (June 27, 1997). (See also, **Robinson v. Shell Oil**, 519 U.S. 337, 117 S.Ct. 843 (1997) where the U.S. Supreme Court ruled Title VII law extends to cover allegations that an employer gave a negative reference to a prospective employer.)

Complainant left the Fire Department's employ in November 1988 and went to work for the Chicago Police Department. Complainant filed a Charge of Discrimination against the Respondent February 8, 1989, perfected it on April 4, 1989 and amended it on August 21, 1991, alleging racial, religious and retaliatory discrimination. Complainant contends that, around September 1990, while the discrimination Charge was pending, he applied for a position with the FBI. As a part of the application process, Complainant authorized the FBI to investigate his employment history with previous employers. During the employment investigation, Complainant contends that Porter and Stewart gave FBI investigators negative, inaccurate and unsupported references about his

employment history. Complainant maintains the negative references resulted in his being rejected for the FBI position.

Stewart credibly testified that, on October 23, 1990, he met personally with FBI Agent Joseph, who presented his credentials and a release signed by Complainant on September 7, 1990, authorizing the Fire Department personnel office to provide his employment records. Stewart showed the employment records to Agent Joseph and answered questions put forth by Agent Joseph about certain records. When Agent Joseph asked about dock notices in Complainant's file, Stewart explained that the notices were produced during a time when the Fire Department was unaware that Complainant had taken a position with the Chicago Police Department; therefore, Complainant was considered absent at that time. There is nothing in the record to suggest that Stewart responded with any negative information or information he knew to be untrue or that was not supported by Complainant's employment records.

The facts surrounding Porter's conversation with an FBI agent investigating Complainant's employment background warrants a different conclusion. Porter credibly testified that he spoke to someone by telephone who identified himself as an FBI agent conducting an interview about Complainant's employment history pursuant to Complainant's application to become an FBI agent. Porter testified that he had been informed by the Fire Department personnel office that an FBI agent would be contacting him for this reason and had, therefore, expected the call and had no reason to believe the FBI agent was not who he identified himself to be. Porter said that the Agent asked him if he thought Complainant could become a good FBI agent and Porter responded that he believed Complainant possessed the capabilities to become a good FBI agent.

Porter testified that he told the FBI agent that he believed Complainant might have been using a phony injury to get time off of work to go to law school. Porter further admitted that he volunteered this information without being asked by the FBI agent.

Under cross examination, Porter admitted that when he relayed this information to the FBI agent, he had no proof or evidence that Complainant had been using a phony injury to get time off of work to go to law school.

Complainant has demonstrated the first two elements of a *prima facie* case of retaliation. Complainant engaged in protected activity by filing a Charge of Discrimination in February 1989, shortly after he had left the Fire Department in November 1988, and Porter took an adverse action against him when he relayed negative, unsupported information about Complainant's employment records to an FBI agent investigating Complainant's employment background.

As to the third element, Porter asserts he did not discover that Complainant had filed a discrimination charge until after the FBI's telephone call. However, Porter testified that he could not recall exactly when he found out the Charge had been filed. I find Porter's testimony on this issue not credible and deliberately evasive and vague. I find it hard to believe that Porter, who was Captain of the Engine 7 firehouse from February 1988 until July 1990, was unaware at the time he spoke to the FBI agent (which the record supports was sometime between October 1990 and April 1991) that a Charge, alleging discriminatory acts that took place at Engine 7 under his watch in 1988, had been filed in February 1989 and was still pending with the Department of Human Rights. Complainant has demonstrated a sufficient causal connection between the filing of the Charge and Porter's adverse employment expression.

C. Respondent's articulation

Respondent proffers no serious legitimate non-discriminatory reason for relaying this unsupported, undocumented, subjective and unsolicited expression to Complainant's prospective employer. Porter asserts that he explained to the FBI agent that the information was merely his opinion and that he had no evidence or other

documentation to support his opinion. This attempt at disclaimer does nothing to alleviate the negative expression and fails to explain any objectively justifiable reason for Porter to have relayed negative statements to a prospective employer that were not fair or accurate.

The totality of the evidence demonstrates by a preponderance that Porter's conduct was motivated by retaliatory animus against Complainant for having engaged in protected activity.

DAMAGES

The purpose of the damage award is to make the Complainant whole. When the Complainant has been a victim of unlawful discrimination under the Act, he should be placed in the position he would have been but for the discrimination. **Clark v. Human Rights Commission**, 141 Ill. App. 3d178, 490 N.E.2d 29 (1st Dist. 1986).

Loss of pay

Complainant has put forth no evidence to prove that Respondent's retaliatory conduct affected the prospective employer's decision to hire him, yet that does not make Respondent's conduct any less violative of the letter and spirit of the Act. However, the failure to prove that the retaliatory comments deprived him of an employment opportunity precludes a showing of actual damages related to the failure to obtain the position. **Hashimoto v. Dalton, Sec of the Navy**, 118 F.3d 671 (9th Cir. 1997).

Emotional Damages

A finding of liability, without more, is insufficient to justify an award. There is no presumption of damages based upon a civil rights violation. **Kauling-Schoen and Sillhouette American Health Spas**, ___ Ill. HRC Rep. ___ (1986SF0177, February 8, 1993). The presumption under the Act is that recovery of all pecuniary losses will fully compensate an aggrieved party for his losses. **Smith v. Cook County Sheriff's Office**, 19 Ill.HRC Rep. 131,145 (1985). However, the Commission will award damages beyond

pecuniary loss if it is absolutely clear from the record that the recovery of pecuniary loss will not adequately compensate the Complainant for his actual damages. **Kincaid v. Village of Bellwood, Bd. Of Fire and Police Commissioners**, 35 Ill. HRC Rep. 172, 182 (1987).

Although Complainant sought no professional help, the Commission accepts a Complainant's own testimony as a sufficient basis for awarding emotional distress damages. **Nichols and Boyd A. Jarrell & Co., Inc.** 14 Ill. HRC Rep. 149 (1984). Complainant offered only vague testimony of the emotional impact he experienced from the alleged discrimination and retaliation. While Complainant testified that the litigation of this claim since 1988 has totally affected his life, there were no specifics on the mental or physical effects of Respondent's conduct on Complainant's personal or professional life. To the contrary, the record shows that Complainant was able to leave Respondent Fire Department and immediately begin a job as police officer with the Chicago Police Department where he was quickly promoted to detective and to the tactical unit and received numerous honors and decorations for exemplary service.

However, it was clear during Complainant's testimony that his work record is important to him. It was further clear that becoming an FBI agent was a position Complainant coveted and that Complainant was extremely distressed and disturbed by Porter's comments to the FBI agent, believing those comments to have been inaccurate, unsupported, untrue, unfair and to have put him in an unfavorable light before the prospective employer. Accordingly, the record supports a recommendation of an award of \$2,500.00 for emotional distress suffered as to the retaliation claim.

Award to Respondent

Pursuant to my July 9, 2002 order, Complainant has agreed to reimburse Respondent \$500.00 for its inconvenience in appearing for the July 9, 2002 scheduled

public hearing date when Complainant made a surprise oral motion for a continuance, which was granted over Respondent's objections.

RECOMMENDATION

Accordingly, it is recommended that the Complaint in this matter be dismissed on the race and religious discrimination claims and sustained on the retaliation claim and that Complainant and Respondent be awarded the following relief:

1. That Respondent pay to Complainant \$2,500.00 in emotional damages.
2. That Complainant pay to Respondent \$500.00 pursuant to my July 9, 2002 order.
3. That Respondent be ordered to cease and desist from unlawful retaliation against employees;
4. That Respondent clear from Complainant's personnel records all references to the filing of the underlying charge of discrimination and the subsequent disposition thereof;
5. That Respondent pay to Complainant the reasonable attorney's fees and costs incurred in the prosecution of this matter, that amount to be determined after review of a motion and detailed affidavit meeting the standards set forth in **Clark and Champaign National Bank**, 4 Ill. HRC Rep. 193 (1982), said motion and affidavit to be filed within 21 days after the service of the Recommended Liability Determination; failure to submit such a motion will be seen as a waiver of attorney's fees and costs;
6. If Respondent contests the amount of requested attorney's fees, it must file a written response to Complainant's motion within 21 days of the service of said motion; failure to do so will be taken as evidence that Respondent does not contest the amount of such fees;
7. The recommended relief in paragraphs A through D is stayed pending resolution of the issue of attorney's fees and issuance of a final Commission order.

HUMAN RIGHTS COMMISSION

ENTERED: December 1, 2003

By: _____
SABRINA M. PATCH
Administrative Law Judge
Administrative Law Section

Jackson v. City of Chicago Fire Dept.
Recommended Liability Determination
ALS #10588