

IN THE MATTER OF THE  
REQUEST FOR REVIEW BY:

Petitioner.

Charge No.: 2024CH0254  
HUD No.: 05-23-9106-8  
ALS No.: 24-0241

<sup>2</sup> This order is entered pursuant to a 3-0-0 vote by the Commissioners.

discrimination for his eviction,” DCHA Lead Housing Intake Specialist Gail Winfield emailed him that his application had been denied because his disability status was challenged.

The Petitioner stated that he is disabled, but did not remember if he gave DCHA documentation to show that he was disabled. The Petitioner also stated that there was a government conspiracy and that he believed that someone in the courthouse contacted DCHA and told them to remove him from the program. He stated that DCHA never asked him about an eviction and he did not tell DCHA about it.<sup>3</sup>

Winfield stated that the Petitioner was informed on April 4, 2023, that he was selected to receive the voucher that he had applied for, and that he needed to complete the online application by April 24, 2023, including all required documents. Winfield stated that on April 17, 2023, she asked the Petitioner for a doctor’s letter indicating that he is disabled. Winfield stated that the Petitioner replied that his disability application was pending, and that he had not yet been declared disabled by a medical provider. Winfield stated that the Petitioner began to yell at her, asked to speak with someone over her, said he was going to remain homeless, and said he “was going to f\*\*\*ing fight to the end.” Winfield gave the Petitioner her manager’s name and number.

Winfield stated that she called the Petitioner on May 18, 2023, and asked whether he had procured a doctor’s letter. Winfield stated that the Petitioner yelled that he was not disabled, that she was discriminating against him, and that “you county people are all the same.” Winfield sent the Petitioner a letter that day stating that his application for a Mainstream voucher had been denied because in order to be eligible for a Mainstream voucher the applicant must be disabled.

The Commission concludes that the Respondent properly dismissed 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. 775 ILCS 5/7A-102(D)(3). Under the Act, substantial evidence is “evidence which a reasonable mind accepts as sufficient to support a particular conclusion and which consists of more than a mere scintilla but may be somewhat less than a preponderance.” 775 ILCS 5/7A-102(D)(2).

The Petitioner argues that DCHA subjected him to discriminatory terms, conditions, privileges, or services and facilities related to a real estate transaction in retaliation for engaging in a protected activity. A *prima facie* case of retaliation requires evidence that 1) the petitioner engaged in a protected activity, 2) he suffered an adverse action, and 3) a causal connection exists between the protected activity and the adverse action. See *Welch v. Hoeh*, 314 Ill. App. 3d 1027, 1035 (3d Dist. 2000).

Here, the Petitioner stated that he engaged in a protected activity when he filed an appeal of his eviction on the basis of discrimination on April 17, 2023. He stated that 45 minutes after he filed the

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<sup>3</sup> The Respondent’s investigator noted that the Petitioner was rude and uncooperative, indicating that the government, including the Respondent, was a big conspiracy, continually interrupting the investigator, and accusing the investigator of ignoring his allegation that the police and FBI had put him on a terrorist watch list and were “gang stalking” him.

appeal, DCHA denied him a housing voucher. The Petitioner's claim fails on two fronts. First, the Petitioner did not suffer an adverse action when DCHA denied his application, regardless of whether it occurred on April 17, 2023, or on May 18, 2023, because he was ineligible for the voucher program because he did not provide disability documentation. *See In re Request for Review by: Kayla R. Hogan*, IHRC, ALS No. 2024 ILHUM LEXIS 43, \*8-9 (March 5, 2024) (holding no retaliatory adverse action where employer did not hire complainant because complainant was not qualified for position). Second, there is no causal nexus between the alleged protected activity and the alleged adverse action, as there was no evidence that DCHA knew about the Petitioner's appellate filing. *See In re Everett Erlandson and City of Evanston Police Dep't*, IHRC, ALS No. 10373, 2000 ILHUM LEXIS 35, \*14 (June 14, 2000) (noting that if the decision maker had no knowledge of the complainant's protected activity at the time of the adverse action, there could be no retaliatory intent).

The Commission concludes that the Respondent's dismissal of the charge was in accordance with the Act.

**THEREFORE, IT IS HEREBY ORDERED THAT:**

1. The dismissal of the Petitioner's charge for lack of substantial evidence is hereby **SUSTAINED**.

2. This is a final Order. A final Order may be appealed to the Illinois Appellate Court by filing a Petition for Review, naming the Illinois Human Rights Commission, the Illinois Department of Human Rights, and DuPage County Housing Authority as respondents, with the Clerk of the Appellate Court within 35 days after the date of service of this Order.

STATE OF ILLINOIS	)	
	)	
HUMAN RIGHTS COMMISSION	)	<b>Entered this 24th day of DECEMBER 2024.</b>

Commissioner Jacqueline Y. Collins

Commissioner Janice M. Glenn

Commissioner Howard A. Rosenblum