STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION

IN THE MATTER OF:	)	
	)	
JACQUEE' JONES,	)	
	)	Charge No.: 2008SF0064
Complainant,	)	EEOC No.: N/A
	)	ALS No.: S08-0170
and	)	
	)	
MAC'S LOUNGE, INC.,	)	
	)	
Respondent.	)	

ORDER

This matter coming before the Commission pursuant to a Recommended Order and Decision, the Respondent's Exceptions filed thereto, and the Complainant's Response to the Respondent's Exceptions, if any.

The Illinois Department of Human Rights is an additional statutory party that has conducted state action in this matter. They are named herein as an additional party of record. The Illinois Department of Human Rights did not participate in the Commission's consideration of this matter.

IT IS HEREBY ORDERED:

1. Pursuant to 775 ILCS 5/8A-103(E)(1) & (3), the Commission has **DECLINED** further review in the above-captioned matter. The parties are hereby notified that the Administrative Law Judge's Recommended Order and Decision, entered on **January 29, 2014** has become the Order of the Commission.

STATE OF ILLINOIS	)	
	)	**Entered this 14th day of July 2014.**
HUMAN RIGHTS COMMISSION	)	

Commissioner Nabi Fakroddin, P.E., S.E.

Commissioner Robert A. Cantone

Commissioner Lauren Beth Gash

STATE OF ILLINOIS

HUMAN RIGHTS COMMISSION

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Complainant,	)	CHARGE NO: 2008SF0064
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	)	
MAC'S LOUNGE, INC.,	)	
	)	
Respondent	)	

RECOMMENDED ORDER AND DECISION

This matter is ready for a Recommended Order and Decision pursuant to the Illinois Human Rights Act (775 ILCS 5/1-101 et seq.) A public hearing was held before me in Springfield on October 20, 2011. Complainant appeared *pro se* at the public hearing. While Complainant called Respondent's owner to testify in the instant case, Respondent did not technically make an appearance at the public hearing, since its attorney withdrew as counsel on behalf of Respondent prior to the public hearing. Respondent, though, retained different legal counsel, who filed a post-hearing brief on Respondent's behalf. Complainant also filed a post-hearing brief on her behalf.

Contentions of the Parties

In the instant Complaint, Complainant asserts that she was the victim of sexual harassment under the hostile work environment provisions of section 2-101(E)(3) of the Human Rights Act (775 ILCS 5/2-101(E)(3)), when the manager of Respondent's tavern pulled out and stroked his penis, requested that Complainant show her breasts, cornered her in an area of the tavern and stuck his hands down her blouse after Complainant had made a request for work hours. In its response, Respondent maintains that Complainant cannot establish a sexual harassment claim under the hostile environment provisions of section 2-101(E)(3) because she

was not an "employee" at the time of the alleged conduct. It alternatively submits that the manager's conduct was not unwelcome to Complainant.

Findings of Fact

Based on the record in this matter I make the following findings of fact

1. At some point at the beginning of May of 2006, Complainant, a female, was hired at Respondent's tavern as a part-time bartender. At the time of her hire, MacArthur Frazier was the owner of the tavern and was the individual who had hired Complainant

2. At all times pertinent to this Complaint, Complainant worked full-time as a teacher in the Springfield, Illinois District 186 School District.

3. At the beginning of May, 2006, Respondent did not place Complainant on a set schedule, but rather was called into work by Maurice Williams, the manager of Respondent's tavern, on as "as needed" basis. At some point in May, 2006, Complainant was placed on a schedule.

4. At all times pertinent to this Complaint, Williams was the individual who was solely responsible for the scheduling of bartenders at Respondent's tavern.

5. For the month of May 2006, Complainant worked a total of eleven days at Respondent's tavern, all of which were either on a Friday, Saturday or Sunday evening.

6. Complainant worked one day for Respondent in the month of June, 2006

7. At some point after working in June of 2006, Complainant told both Frazier and Williams that she would be unable to work for Respondent for an extended period because she would be visiting her out-of-town mother for the summer. When Complainant informed Frazier of her plans, Frazier did not terminate Complainant from her employment.

8. At some point in August of 2006, Williams called Complainant at around 9 00 p.m. one evening and asked if she could work the midnight to 3 00 a.m. shift at Respondent's tavern. While Williams had typically called Complainant into work on the day of the proposed

shift, Complainant refused this request because she was at a party and had been drinking at the time Complainant was not on any "work schedule" of Respondent's at the time of this request.

9 Beginning in the fall of 2006 and continuing into the spring of 2007, Complainant had three or four conversations with Frazier in Respondent's tavern, during which she asked about the potential for working again as a part-time bartender for Respondent During these conversations, Frazier told Complainant that business was slow and that he did not have the hours to give her During at least one of these conversations, Frazier told Complainant to talk to Williams about obtaining any hours.

10 At around April 1, 2007, Complainant had a conversation with Frazier in Respondent's tavern. During the conversation Complainant asked whether she could work at Respondent's tavern as a part-time bartender. Frazier told her that she could have a part-time job, but that it would be on a "per-needed" basis because he was not going to terminate someone to make a spot for her. He also stated that Williams would call her if there was a vacancy

11 On April 20, 2007, Complainant and friend went to Respondent's tavern at approximately 1.00 a.m. At some point during the evening Williams approached Complainant, and Complainant asked him if she could work some hours or get on Respondent's schedule Williams told Complainant to stay until the tavern closed, and he would talk to her about it

12 At around 3:00 a.m., when Respondent's tavern closed for the evening Complainant helped Williams count the money in his register. When the remaining employee left the tavern, Complainant and Williams went to an office to put the money in the safe. When Williams sat down at a desk, Complainant began to ask him about available hours that she could work At some point during the conversation, Williams pulled out his penis and began to stroke it in front of Complainant When Complainant asked Williams what he was doing, he responded by asking her to show him her "boobs." Complainant responded by saying "Dude, I want to work here, but I'm not about to have sex with you for hours " Williams responded by

accusing Complainant of mixing business with pleasure, and stating that any award of hours was "business" while was what occurring at that time was "pleasure."

13 After Williams had accused Complainant of mixing business with pleasure Complainant left the office and attempted to leave the tavern The front door of the tavern, however, was locked, and Complainant then went to the women's restroom and locked the door. When Complainant came out, Williams was standing nearby and eventually cornered her between two dart board machines and began to touch her breasts and make additional requests for sex.

14. At some point after Williams had cornered Complainant between the dart board machines, Complainant told Williams: "Look dude, I'm not going to have sex with you" and eventually stated that she would never have sex with Williams because she had heard that he had had sex with her cousin, who had a sexually transmitted disease. After Williams insisted that he really was a "good guy," that his recent blood tests were "negative," and that she should like him, Complainant eventually accused Williams of sexual harassment. At that juncture, Williams stopped what he was doing, opened the front door and ushered Complainant out the front door.

15. On April 21, 2007, Complainant told her uncle about the incident with Williams that had occurred the prior evening in Respondent's tavern

16. At some point after Complainant's conversation with her uncle as described in Finding of Fact No. 15, Complainant's uncle contacted Frazier and told him that Complainant had accused Williams of improper sexual conduct.

17. At some point after his conversation with Complainant's uncle as described in Finding of Fact No. 16, Frazier telephoned Complainant and asked for her version of the incident. Complainant thereafter accused Williams of sexual harassment as described in Finding of Facts Nos. 12, 13 and 14 Frazier replied that Complainant was not going to get any money out the incident from him and asked her what she wanted him to do with Williams.

Complainant told Frazier that she wanted Williams terminated Frazier then stated that he was not going to terminate Williams, because Williams had just recently purchased a house, but that he would instead direct Williams to give Complainant a sincere apology

18. At some point after his conversation with Complainant's uncle as described in Finding of Fact No. 15 and after his conversation with Complainant as described in Finding of Fact No. 17, Frazier contacted Williams and asked for his side of the incident. At that time, Williams indicated that none of the allegations that Complainant had made against him were true

19. On approximately April 27, 2007, Williams had a conversation with Complainant's uncle, with whom Williams spent time on a weekly basis at bowling functions. During the conversation, Williams told Complainant's uncle that Complainant and he had "fooled around," and that something had happened between him and Complainant on the night in question.

20. At some point after the April 20, 2007 incident, Complainant became depressed because she felt that Williams had not respected her in her effort to obtain work hours at Respondent's tavern. Moreover, she did not want to give anyone the impression that she was an individual who would trade sex for the ability to acquire hours to work at the tavern. She was also distressed because she felt like her uncle was calling her a "ho" became of reports from her uncle that Williams was falsely claiming that she had had a prior sexual relationship with Williams.

21. In May of 2007 Complainant sought treatment from a psychiatrist, who initially prescribed Zoloft and other drugs to combat Complainant s depression. While Complainant was not on any sort of medicine for depression at the time she sought treatment for the April 20, 2007 incident at Respondent's tavern, Complainant had been on depression medication prior to the April 20, 2007 incident, when she experienced postpartum depression in 2003 following the birth of a child

22 After the month of May 2007, Complainant saw her psychiatrist every two weeks. Her visits with her psychiatrist eventually tapered off to monthly visits until the next summer when Complainant went out of town to visit her mother for the summer. When she returned from her summer vacation, Complainant saw her psychiatrist every other month until August of 2010, when she stopped seeing her psychiatrist entirely until she experienced an unrelated anxiety attack in December of 2010.

23 During the May 2007 to August 2010 time frame, Complainant experienced other stressors in her life that related to her duties as a school teacher, as well as another bout of postpartum depression associated with the birth of a son in 2008.

24 As of the time of the public hearing, Frazier had closed down Respondent's tavern, but retained ownership in the building that had housed the tavern.

25. As of the time of the public hearing, Frazier's wife formed a different corporation and operated a "club" at the same address as Respondent's tavern.

26. Complainant experienced $15,000 in actual damages arising out of her emotional distress stemming from the sexual harassment committed by Williams.

Conclusions of Law

1. Complainant is an "employee" as that term is defined under the Human Rights Act.

2. Respondent is an "employer" as that term is defined under the Human Rights Act.

3. Complainant proved by a preponderance of the evidence a *prima facie* case of sexual harassment, where the conduct of one of Respondent's supervisory employees, in requesting sexual favors from Complainant and touching her breasts in the context of discussing her work hours, established a hostile, intimidating and offensive work environment that substantially interfered with her ability to perform her job.

Discussion

Section 2-102(D) of the Human Rights Act (775 ILCS 5/2-102(D)) provides that it is a civil rights violation "[f]or any...employee...to engage in sexual harassment." Section 2-101(E) of the Human Rights Act (775 ILCS 5/2-101(E)) further defines sexual harassment as "any unwelcome sexual advances or requests for sexual favors or conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment...or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment." The Commission has declared that there is no "bright line" test for determining what behavior will lead to liability under a sexual harassment theory and has charged the administrative law judge with assessing not only what was done in the workplace but how it was done in relationship to the total working environment. (See, *Robinson v Jewel Food Stores*, IHRC, ALS No. 1533, December 22 1986.) In the instant Complaint, Complainant has asserted that Williams's conduct, in requesting sexual favors in exchange for an award of work hours, created a hostile work environment that essentially precluded her from working at Respondent's tavern.

Thus, the threshold issue in Complainant's sexual harassment case is whether Williams's conduct rose to a level of hostility so as to be considered actionable conduct (See, *Scott v. Sears, Roebuck & Co*, 798 F.2d 210 (7th Cir. 1986).) According to the United States Supreme Court in *Harris v Forklift Systems, Inc.*, 510 U.S. 17, 126 L.Ed. 2d 295, 114 S.Ct 367, 370 (1993) a cause of action for sexual harassment arises, at least in a Title VII setting, "[w]hen the work-place is permeated with discriminatory intimidation, ridicule and insult that is sufficiently severe or pervasive to alter the conditions of the victim's employment and create an abusive working environment." The Commission has used a similar standard for evaluating sexual harassment claims under the Human Rights Act. (See, *Kauling-Schoen and Silhoutte American Health Spas*, IHRC ALS No. 2918(M), February 8, 1993.)

In reviewing the instant record, I found Complainant believable in her contention that Williams displayed and stroked his penis and further requested that she expose her breasts while she was attempting to learn from Williams whether she would be obtaining any hours to work at Respondent's tavern. Similarly, I found Complainant believable in her claim that Williams requested sexual favors of her that included requests for sex and had touched her on her breasts while she was cornered between two dart board machines. Significantly, Williams corroborated material aspects of Complainant's version when he conceded that he had pulled out his penis while both of them were in his office talking about work hours and had spoken to her about the possibility of having sex. (Tr. at pgs. 61, 62, 103, 104.) However, Williams explained that Complainant had initiated the sexual encounter by displaying her breasts before he had pulled out his penis. As such, he insisted that he was doing nothing more at that time than "[b]eing a man" and "tak[ing] the bait." (Tr. at pg. 105.) Yet, I found Williams to be unbelievable in this aspect of his testimony, where he conceded earlier at the public hearing that he was the one who had actually requested to see Complainant's breasts. (Tr. at pg 61)

Accordingly, I find that Williams's conduct in pulling out and stroking his penis, in requesting that Complainant have sex with him, and in touching her breasts while requesting sexual favors of Complainant is sufficient to establish a viable sexual harassment claim under at least the "*quid pro quo*" provisions of section 2-101(E)(1) of the Human Rights Act (775 ILCS 5/2-101(E)(1)) since Williams's sexual requests and/or requests for sexual favors were unwelcome to Complainant (where she told Williams that she was not going to trade sex for work hours), and since Williams's conduct took place in the context of Complainant asking for work hours. Respondent, though, submits that even if Complainant could establish a "*quid pro quo*" sexual harassment claim, it does her no good in the context of the instant Complaint because: (1) the Complaint does not allege a "quid pro quo" sexual harassment claim, but rather asserts that Williams's conduct subjected Complainant to a "hostile environment" based upon her status as an "employee;" and (2) Complainant has not moved to amend the instant

Complaint to allege a "quid pro quo" sexual harassment under either sections 2-101(E)(1) or (2) of the Human Rights Act (775 ILCS 5/2-101(E)(1) (2)). Accordingly, Respondent insists that Complainant cannot prevail even if Williams had made requests for sexual favors and/or sexual advances since (1) Complainant was not an "employee" of the tavern, but rather was a mere "patron" of the tavern at the time of Williams's sexual conduct, and (2) because of her non-employee status, Williams's conduct could not have affected Complainant's "working environment" at the time of his sexual requests/advances for purposes of establishing a sexual harassment claim under the "hostile environment" provisions of section 2-101(E)(3) of the Human Rights Act (775 ILCS 5/2-101(E)(3))

To be sure, if Complainant was only a "patron" of the tavern at the time of Williams's harassment, she had either a potential claim under Article V of the public accommodation provisions of the Human Rights Act (alleging that the harassment constituted a refusal to provide the full and equal enjoyment of the facilities and services of Respondent's tavern based on her gender) or she had no claim under the Human Rights Act at all. (See, for example, *Dinardo and P C Electronics*, IHRC ALS No S11804, June 22, 2005.) However, a fair reading of the instant record does not indicate that Complainant was a mere "patron" at the time of Williams's request of Complainant for sexual favors, even though she initially went into the tavern to socialize with a friend, since Complainant credibly testified that at some point during her encounter at Respondent's tavern on April 20, 2007, she spoke to Williams about the potential for obtaining hours, and he instructed her to speak to him about the issue after the tavern had closed Inasmuch as Complainant testified that at some point during the fall of 2006 and the spring of 2007, the owner of Respondent's tavern (Frazier) had previously instructed her to speak to Williams about obtaining hours, and Frazier also stated that Complainant already had a "job" at the time she spoke to Williams on April 20 2007 (Tr. at pg. 79), I find that Complainant was speaking to Williams while in some sort of an "employment relationship" with

Respondent at the time of Williams's sexual conduct as opposed to speaking to Williams as a "patron" merely seeking services from the tavern

Even so, Respondent insists that the "*sine qua non*" of the instant Complaint is the fact that Complainant was an "employee" at the time of the alleged sexual harassment, and thus, according to Respondent, our Complainant must be an "employee" as that term is defined under the Human Rights Act in order to prevail under the hostile work environment provisions under section 2-101(E)(3) of the Human Rights Act. While I agree that the instant Complaint asserts that Complainant was an "employee" at the time of Williams's actions, I note that section 2-101(E)(3) does not make any specific reference to an "employee" being the victim of the sexual harassment as a condition precedent to establishing a sexual harassment claim under a hostile environment theory. Rather, section 2-101(E)(3) makes reference only to "conduct [that] has the purpose or effect of substantially interfering with an *individual's* work performance or creating an intimidating hostile or offensive working environment" (Emphasis in italics.) Indeed, the sexual harassment provisions of the Human Rights Acts seemingly protect both the job holder, as well as the job applicant. (See for example, *Sanders and Citgo Gasoline Station*, IHRC, ALS No. 11873, June 23, 2003, where the Commission found an employer liable when its agent/employee made a crude request for a sexual act after the complainant sought an application for a cashier position, even though the complainant was not an employee "performing services for remuneration" at the time she requested the application.)

While Respondent additionally suggests that there could be no "hostile environment" arising out of a single "*quid pro quo*" offer to trade sex for working hours, the Commission has previously observed that a single incident of sexual conduct, if sufficiently severe, can be enough to establish a sexual harassment claim on a hostile environment theory. (See, for example, *Fritz and Illinois Department of Corrections*, IHRC, ALS No. 4718, October 17, 1995, for the proposition that a one-time incident in which the harasser grabbed the complainant's breast was sufficient to establish a hostile environment claim.) The reason that is so, the

Commission found in *Fritz*, is because the complainant's sense of security in the workplace was affected by the sexual assault, such that future trips to the workplace would be altered by what the harasser had done. (*Fritz*, slip op. at pg. 3.) So too is it with our Complainant's sense of security in Respondent's tavern, since Complainant, who actually had a part-time bartender's job that was conditioned only on Williams's award of work hours, could reasonably (and actually did) believe that she would have to accede to Williams's sexual demands in both the present and the future in order to obtain any work hours at Respondent's tavern. Thus, where the Commission measures a "hostile work environment" not only on a single hostile act that was committed in the presence of a complainant, but also on the effect that the hostile act would have on the complainant performing his or her job in the future, I find that the instant case falls safely and literally within contours of section 2-101(E)(3), where Williams's requests for sexual favors and his offensive sexual touching of Complainant's breasts in response to Complainant's request for work hours had the "purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment." Indeed, the nature of Complainant's work environment was not rendered less hostile by the fact that Complainant came to Williams with zero hours on the work schedule, as opposed to an individual who already had some hours on the schedule and was merely seeking additional hours.

However, even if Respondent is correct that Complainant was required to show that she was an "employee" in the sense of already "performing services for remuneration" at the time Williams's requested sexual favors in response to Complainant's request for work hours, I find that Complainant was an "employee" at the time she requested Williams to give her some work hours on April 20, 2007. Specifically, Respondent does not dispute that Complainant was an "employee" in the May/June 2006 time frame when she worked for Respondent's tavern on a part-time basis, and neither Williams nor Frazier disputed Complainant's testimony that she initially worked on an "as needed" basis, where Williams would call her on short notice to come

into the tavern to work a shift. Indeed, Respondent apparently considered Complainant to be an "employee," even after she told Frazier and Williams in June of 2006 that she could no longer work a schedule during the summer months and was taken off the schedule, since Williams still called up Complainant in August of 2006, inquiring as to whether Complainant was available to work a shift that evening As such, when Frazier spoke to Complainant during the first part of April of 2007 and confirmed that she had a job at that time on an "per needed basis" if there were enough available hours (Tr. at pg. 73), Complainant was at that time in the same "employee" status as she was in May of 2006, since in both time frames there was an agreement by Respondent to pay Complainant for her bartender services whenever Williams got around to offering her some work hours.

Additionally, if there was any doubt as to Complainant's "employee" status as of April 20, 2007, Frazier clarified the matter at the public hearing, when he initially expressed a belief that "it was a bit of a stretch" for Complainant to have been at the tavern at 3:00 a.m. talking to Williams "about a job that she already had." (Tr at pgs 79-80) While Frazier attempted to backtrack from this statement a little later in the public hearing, Frazier's statement that he believed that Complainant "had a job" with Respondent at the time she spoke to Williams on April 20, 2007 comports with the reality of her "employee" status with Respondent. In this respect, Complainant was not a mere applicant at the time she spoke to Williams about obtaining hours for the part-time bartender position, because Frazier had already confirmed with Complainant approximately two weeks earlier that she had the job subject to Williams giving her some work hours. Yet, regardless of whether Complainant was an "applicant" or an "employee", she sufficiently established a sexual harassment claim under section 2-101(E)(3) in that Williams's conduct, in requesting that she perform sexual favors and in touching her breasts, rendered her work environment hostile by altering her sense of security in the workplace both with respect to current, as well as future assignments of work hours. This is especially true since the record showed that Williams was the only individual, who was given the task of

assigning hours to Respondent's part-time bartenders. As such, I find that Complainant has established a viable hostile environment claim under this record.

As to Complainant's damages claim. Complainant did not make an effort in her brief to estimate any back wages arising out of the sexual harassment that she endured at Respondent's tavern, and so no back wage award will be recommended here. In theory Complainant might have been able to establish a back wage claim based on her prior earnings in May of 2006 to the extent that she could have shown a reasonable probability that Respondent's tavern would have experienced a seasonable uptick in business at the time she spoke to Williams about obtaining work hours in 2007.[1] However, there was no evidence regarding patterns of employment with respect to Respondent's part-time bartenders so as to make any reliable calculation was to what Complainant would have earned had Williams not linked any award of hours to his request for sexual favors.

Complainant's claim for emotional damages, though, has more substantial legal footing under this record. Specifically, Complainant testified that she became depressed about the treatment given to her by Williams and spoke to a psychiatrist about Williams's conduct. In this regard, Complainant questioned herself as to why the incident with Williams had happened and felt violated because her uncle was literally calling her a "ho" because he believed Williams's representations that she and Williams had experienced a prior sexual relationship at the time of the April 20, 2007 encounter. Complainant was also upset because she did not want to be treated as a "sex toy," and because, although she wanted to work part-time at a nightclub, she did not want to be perceived as an individual who would trade sex for hours. She additionally asserted that at some point after the April 20, 2007 incident, she began taking the prescription medication Zoloft to combat her depression. All in all, Complainant seeks a total of $65,000 in emotional damages, which, Complainant explains, would compensate her for the cost of her

[1] Recall that Williams began calling her work at Respondent's tavern in early May of 2006 and she made the subject request for hours on April 20, 2007.

home and would allow her the ability to immediately move "far away" from Springfield and the "pain she felt while here." She also asks that Williams be registered as a sex offender because of his actions.[2]

In *Davenport and Hennessey Forrestal Illinois Inc.*, IHRC, ALS No. S-3751R November 20, 1998, the Commission found that in order to receive emotional distress damages, a complainant must make it "absolutely clear" that the recovery of his or her readily quantifiable pecuniary losses will not sufficiently compensate him or her for the civil rights violation. (*Davenport*, slip op. at p. 12.) Moreover, contrary to Respondent's suggestion, medical testimony is not required for establishing an award of emotional damages, such that a claim for emotional damages can be established solely on the testimony of the complainant. (See, for example, *Kauling-Schoen v. Silhouette American Health Spas*, IHRC, ALS No. 2918(M), February 8, 1993, slip op. at pg. 10.) In this case, I find that Complainant has established a viable claim for emotional damages, where she linked her depression to her negative emotional state arising out of what Williams had done to her, and where there is no other quantifiable pecuniary measure that will sufficiently compensate her for the instant civil rights action.

One of the complicating factors, though, in calculating an appropriate amount for emotional damages is the fact that Complainant experienced a number of stressors in her life, both before and after the instant sexual harassment that were unrelated to what Williams had done to her on April 20, 2007, but have nevertheless played a role in her current emotional state. Specifically, Complainant conceded that she had been treated for depression prior to the April 20, 2007 incident, and that she currently takes anti-anxiety medicine for purposes that she could not readily trace to the April 20, 2007 incident. Complainant also noted that she suffered from postpartum depression stemming from the births of children who were born in 2003 and in

This request for relief is beyond the authority of the Commission

2008, and that she incurs stress from her full-time teaching job at a Title I, poverty-level Springfield high school that is struggling academically.[3]

Yet, I find that the existence of Complainant's outside stressors are not enough to disqualify her from obtaining an emotional distress award based on Williams's conduct where (1) the record shows that she was not going to a psychiatrist or taking any psychiatric drugs at the time of the April 20, 2007 incident, and (2) Complainant began seeking treatment from her psychiatrist in May of 2007 concerning the stress/depression that she endured arising out of the April 20, 2007 incident. Accordingly, while I cannot link an award of emotional damages to either the cost of Complainant's home or, for that matter, a one-way ticket out of Springfield, I nevertheless find that Complainant is entitled to $15,000 in emotional damages arising from the circumstances of this case, which comports favorably to the $15,000 that the complainant received in *Sanders and Citgo Gasoline Station*, IHRC, ALS No 11873, June 23, 2003, under circumstances where the operator of the gas station called the complainant a 'bitch" and told her she could "suck his dick" after she requested an application for work, and to the $15,000 that the complainant received in *West and Jachino*, IHRC, ALS No. S04-229, September 22, 2006, under circumstances where the complainant, after experiencing a series of sexual comments from her supervisor, as well as offensive touchings to her buttocks and breasts, sought treatment for her depression that arose out of the sexual harassment. Because there is only one sexual harassment, and because Complainant is also receiving a similar $15,000 emotional damages award from Williams in her companion sexual harassment case in ALS No. 08-0171, Complainant's emotional damage award is subject to reduction should Williams make any payments on the emotional damages award lodged against him. Finally, Complainant makes no claim for reinstatement to her part-time position, or for reimbursement of costs or attorney

[3] Respondent similarly contended that the fact that the father of Complainant's children had been in and out of jail on drug charges also played a role in Complainant's negative state of mind. However, Complainant denied that the legal status of her children's father played any role in her mental state, and I did not otherwise place much stock in this argument.

fees. Accordingly, none of these remedies will be awarded Moreover, since Respondent's tavern is no longer in business, there will be no cease and desist order.

Recommendation

For all of the above reasons, it is recommended that the Commission enter an order which:

1. Sustains the Complainant alleging sexual harassment against Respondent.

2 Requires Respondent to pay Complainant $15,000 in actual damages arising out of her emotional distress. This amount is subjected to a reduction by any payments for emotional damages made by Williams in ALS No. 08-0171.

HUMAN RIGHTS COMMISSION

BY: _____
MICHAEL R. ROBINSON
Administrative Law Judge
Administrative Law Section

ENTERED THE 29TH DAY OF JANUARY, 2014