

COOK COUNTY COMMISSION ON HUMAN RIGHTS
69 West Washington Street, Suite 3040
Chicago, Illinois 60602

Susan CARRENO, Complainant)	
)	
v.)	Case No. 2014E006
)	
John P. KENNEY, D.D.S., Ltd., Respondent)	Entered: May 13, 2015
)	

ORDER

On April 14, 2014, Complainant Susan Carreno (“Carreno”) filed a complaint against her former employer, Respondent John P. Kenney, D.D.S., Ltd. (“Respondent”), a dental office. Carreno alleges that her hours were initially reduced and then she was terminated from this job because of her age – 54 at the time of termination – in violation of the Cook County Human Rights Ordinance (“Human Rights Ordinance”). See Cook County Code of Ordinances (“County Code”), § 42-35(b)(1).

The Cook County Commission on Human Rights (“Commission”) has investigated Carreno’s complaint, and now dismisses for a lack of substantial evidence to support Carreno’s *prima facie* case of age discrimination.

BACKGROUND

Carreno worked at Respondent dental office from January 2002 to January 2014. Compl. ¶ I. During that time, Carreno had a variety of job duties. Early on, she was responsible for accounts payable, payroll and all collections, but by the end of her employment with Respondent, her work was limited to front desk administrative duties and some collections. Questionnaire Response (“Rp. Q. Resp.”) Nos. 3, 5.

John Kenney (“Dr. Kenny”) is the sole owner of Respondent and the sole dentist in the practice. J. Kenney Interview (Sept. 18, 2014). At the time that Carreno’s employment ended, she was 54 years old. Compl. ¶ II. Dr. Kenney was then 67 and his wife, Ying Peng Kenney (“Ying”) was 57. Rp. Q. Resp. No. 10. As discussed in greater detail below, Ying played a substantial, albeit unofficial, role in her husband’s dental practice. The remainder of the staff in January 2014 was all under 40 years old. Investig. Rep., p. 1. This staff consisted of at least three coworkers who also worked at Respondent during some of the same times that Carreno was employed there: Susan Milutinovic (“Milutinovic”), Christina Pervomayskaya (“Pervomayskaya”) and Sara Jackubczek (“Jackubczek”).

Milutinovic worked at Respondent approximately twice a week as a chair-side assistant for Dr. Kenney and once a week as a receptionist from March of 2005 to March of 2015. S.

Milutinovic Interview (Dec. 15, 2014); S. Milutinovic Interview (Apr. 9, 2015). Her duties included assisting directly with patient care, placing continuing care calls, checking patients in and out, and other general receptionist-related duties. S. Milutinovic Interview (Apr. 9, 2015). Milutinovic was 36 or 37 in January 2014. S. Milutinovic Interview (Dec. 15, 2014).

Pervomayskaya worked at Respondent from January 2008 until April 2014. C. Pervomayskaya Interview (Sept. 12, 2014). She was hired as a dental assistant but, like the other staff, performed a variety of duties as needed, including filling in as a receptionist and fielding appointment calls. *Id.* Pervomayskaya stated that she was discharged in April 2014 for “not meeting [Respondent’s] expectations.” *Id.* Pervomayskaya was 31 or 32 in January 2014. *Id.*

Finally Jackubczek was hired as a part-time receptionist in October 2012 and still works for the Respondent. Rp. Pos. St., p. 2. Jackubczek, a college student, was 22 years old at the time of Carreno’s termination. S. Jackubczek Interview (Jan. 26, 2015).

Carreno’s Reduced Hours

The complaint alleges that Dr. Kenney made three discriminatory comments about Carreno’s ability to perform various aspects of her job over the course of 21 months beginning in February 2012. Carreno also alleges that each of these comments was accompanied by the removal of some portion of her job duties at Respondent and a concomitant reduction in the number of hours that Carreno worked (and thus was paid).

Specifically, Carreno claims that in February 2012, Dr. Kenney told her that she would not be able to continue doing accounts payable work because of her age. Compl. ¶ II.B. Carreno also alleges that in July 2012, Dr. Kenney told her that she would no longer do payroll because, at her advanced age, this duty was too stressful. *Id.* at ¶ II.C. Per Carreno, Ying took over both sets of duties. Carreno Email (Apr. 1, 2015).

Finally, Carreno alleges that, sometime around November 2013, Dr. Kenney told Carreno that he was going to give her collection-call responsibilities to Jackubczek because Jackubczek was younger and better able to handle the stress of that task. *Id.* at ¶ II.D. Carreno alleges that after this conversation, Jackubczek took over duties previously assigned to Carreno, including collections, calling patients, and checking in patients. *Id.* at ¶ II.F-G.

Carreno further complains that the Dr. Kenney’s transfer of her collection-call duties to the substantially younger Jackubczek led to a reduction in Carreno’s hours. After Jackubczek was hired in October 2012, Carreno’s hours were allegedly reduced from approximately 60 hours per pay period (*i.e.* every two weeks) to approximately 40-45 hours per pay period. *Id.* at ¶ II.E.

Dr. Kenney, for his part, denies making any of the age discriminatory comments that Carreno attributes to him. J. Kenney Interview (Sept. 18, 2014). And while no non-party witness interviewed by the Commission could corroborate Carreno’s claims as to the February 2012 and July 2012 ageist statements,¹ one witness partially corroborated Carreno’s recollection

¹ None of Carreno’s coworkers recalled hearing Dr. Kenney make either alleged statement. More generally, Milutinovic did not remember any age-related comments by Dr. Kenney – aside from the one described in text

of the November 2013 conversation with Dr. Kenney. Milutinovic recalled Dr. Kenney saying that Jackubczek might be good for the collection duties because Carreno was “stressed out” and Jackubczek sounded “younger and more upbeat” when talking to patients’ parents. S. Milutinovic Interview (Apr. 9, 2015).

Accounts also vary regarding whether Jackubczek took over Carreno’s collection and other duties. Respondent claims that Carreno remained primarily responsible for collection calls with Jackubczek assisting at times. J. Kenney Email (Feb. 10, 2015). Ying added that while collection calls were Carreno’s responsibility, she would sometimes delegate the task to Jackubczek, as she could for any of the front desk tasks for which Carreno was responsible. Y. Kenney Interview (Mar. 3, 2015). As Pervomayskaya explained it, Jackubczek was the receptionist; she answered phone calls, processed charts, and also helped with collection calls. Pervomayskaya said that she and all the staff would do various tasks as needed. C. Pervomayskaya Interview (Sept. 12, 2014). And Jackubczek described her role as only assisting Carreno with making collection calls. S. Jackubczek Interview (Jan. 26, 2015). Milutinovic, on the other hand, supports Carreno’s version of the events: she said that after December 2013 (*i.e.* Carreno’s last month at Respondent), Jackubczek was doing about 95 percent of the collections work with Carreno only taking about 5 percent. S. Milutinovic Interview (Apr. 9, 2015).

In contrast, all parties agree that Carreno’s responsibilities for accounts payable and payroll were taken from Carreno and given to Ying. Ying began taking an active role in the practice in early 2011. Rp. Q. Resp. No. 3. The Kenneys assert that the business was \$20,000 in debt at the end of 2010, and so in early 2011, Ying took over accounts payable from Carreno to improve internal control. *Id.* Dr. Kenney asserted that his wife has a bachelor’s degree in Computer Science and a Master’s degree in Statistics and has excellent analytical skills. *Id.* Since then, Ying has worked in the office, but without an official title, pay or the obligation to keep regular hours. Y. Kenney Interview (Mar. 3, 2015).

In July 2012, Ying also took over payroll duties from Carreno. According to Respondent, this transfer occurred because Ying discovered that Carreno was “padding” her pay by adding unworked hours to her own payroll account. Rp. Q. Resp. No. 3; Y. Kenney Interview (Mar. 3, 2015). When Carreno was responsible for payroll, she was in charge of inputting the number of hours worked for all staff, including herself. Y. Kenney Interview (Mar. 3, 2015). The payroll job involves two reports: (1) the Time Punch Report, which shows the “clocked” hours for each hourly employee during the 2-week pay period, and (2) the ADP Payroll Details Report, which shows the total hours worked by each hourly employee for the 2-week pay period and is sent to the company that cuts the employees’ payroll checks. *Id.* Respondent submitted copies of those reports, marked “date printed” July 15, 2012. *See* Investig. Rep., Ex. A. The reports show that Carreno reported working 10 additional, “un-clocked” hours offsite. *Id.*

above. S. Milutinovic Interview (Apr. 9, 2015) (regarding Jackubczek and collections). Pervomayskaya said that while she does not remember Dr. Kenney making any remarks about Carreno’s age directly, he did make comments to Carreno about the decline in her work performance, such as “You are not what you used to be.” C. Pervomayskaya Interview (Dec. 15, 2014).

The foundation of both Respondent's charge that Carreno inflated her hours and Carreno's claim that Respondent wrongly reduced her hours is Respondent's prior practice of paying for work done at home. Prior to Ying's involvement in Dr. Kenney's practice, employees were paid for work they performed at home on tasks such as billing, stuffing envelopes and preparing packets for school visits. Carreno Email (Mar. 5, 2015); S. Milutinovic Interview (Apr. 9, 2015). Employees were not required to obtain pre-approval for doing this work, and the hours they spent on it was not reflected on the Time Punch Reports. In July 2012, after Ying's review of the payroll function, Dr. Kenney issued a memo to the staff saying that in the future, working from home would be allowed only with prior approval. *Id.*

After that office-wide change in Respondent's policy, Carreno's total hours fell and her paycheck – which was based on the number of hours she worked – was lower. Respondent states that Carreno's onsite, "clocked" hours were never reduced. Rp. Q. Resp. No. 6. And Carreno acknowledges that her clocked hours per pay period were about the same in 2011 – before the changes in her duties – as they were in 2013 – after she was no longer responsible for accounts payable and payroll. Carreno Interview (Apr. 1, 2014). Carreno also confirmed that her hourly pay-rate never decreased while she worked at Respondent. *Id.*

The July 2012 change in the offsite work policy resulted in reduced hours and pay for all staff that previously had billed hours for working at home without receiving special approval. S. Milutinovic Interview (Apr. 9, 2015). Milutinovic's total pay, for example, also decreased because her un-clocked hours stopped or were reduced, even though her clocked hours and hourly pay rate remained the same. *Id.*

It is also uncontested that Ying's increased role at the office led to some stress among the staff. Carreno asserts that Dr. Kenney told her and the staff that he remained in charge and that his wife had no authority to change anything or make any decisions. Carreno Email (Apr. 1, 2015). Whether accurate or not, the Commission's investigation found evidence that Ying acted as if she had managerial authority. Pervomayskaya said that Ying acted as the office manager: she "bossed around" the staff and was very argumentative, and Carreno seemed to feel particularly threatened by Ying. C. Pervomayskaya Interview (Sept. 12, 2014). Milutinovic said that even though Ying had no title, Dr. Kenney allowed Ying to tell the staff what to do; Milutinovic, too, observed that Ying was very confrontational and did not work well with others. S. Milutinovic Interview (Dec. 15, 2014). Ying herself observed that Carreno seemed to resent her, and that their personal issues caused tension in the office. Y. Kenney Interview (Mar. 3, 2015).

The End of Carreno's Employment at Respondent

The parties also disagree about when and how Carreno's career at Dr. Kenney's dental office came to an end. Carreno alleges that she was fired on January 22, 2014. Compl. ¶¶ I, II. Respondent counters that Carreno voluntarily resigned the day prior on January 21, 2014. Verif. Resp., p. 2.

Carreno states that on January 21, 2014, Dr. Kenney called her into his office for a meeting with him and Ying. Carreno Email (Mar. 17, 2015). Ying questioned Carreno about a recent problem with DemandForce. *Id.* DemandForce is the digital communications software at

Dr. Kenney's office, which patients can use for making appointments. Y. Kenney Interview (Mar. 3, 2014). Carreno was explaining her actions when, Carreno says, Ying started screaming at her. Carreno Email (Mar. 17, 2015). According to Carreno, Dr. Kenney kept saying, "Ying, Ying, let me talk." Carreno told Dr. Kenney that she was leaving the meeting and that if he wanted to meet with her, she would, but not if his wife was involved because Ying was out of control. *Id.* After Carreno walked out of Dr. Kenney's office and went back to her work at the front desk, Carreno told the Commission that Ying ran up to the front desk and told Carreno that Carreno had to go back into their meeting or else. *Id.* Carreno reports that she responded: "or else what?" Carreno claims that Ying said Carreno's job would be in jeopardy if she did not return to the meeting. *Id.*

Carreno returned to the office and asked Dr. Kenney if he would fire her if she did not attend the meeting. Carreno claims that Dr. Kenney did not answer the question. Soon after, Dr. Kenney asked Carreno about the location of some documents. *Id.* When Carreno returned to Dr. Kenney's office to show him, Ying allegedly came back into the office and told Carreno to "sit down." *Id.* Carreno says she told Ying that she would stand, and Ying reportedly yelled at Carreno to "sit down." Carreno told Dr. Kenney that Ying cannot command her to sit down, but once again, Dr. Kenney supposedly did not say anything. *Id.*

In Carreno's version of the events, Ying continued to scream at her, this time about a bank reconciliation and when Carreno attempted to answer, Ying cut her off by continuing to yell. *Id.* Carreno then left Dr. Kenney's office, and the Kenneys followed her to the front with Ying still screaming. *Id.* Carreno described that at this point she was shaking, her head was pounding, and her chest hurt. *Id.* Carreno claims that she told Dr. Kenney that she needed to go home because she did not feel well, and he replied "Okay," before she left work for the day. *Id.*

When Carreno returned to work the next day (*i.e.* January 22, 2014), she found that she was locked out of the computers. Carreno called Dr. Kenney on his cell phone, and he told her that he had not told her to come in to work. *Id.* Carreno claims that Dr. Kenney said that she should leave immediately, which she did. *Id.* That evening, Carreno received an email from Dr. Kenney stating, wrongly according to Carreno, that she had voluntarily resigned. *Id.*

Respondent's description of what occurred on January 21, 2014 is quite different. Ying represented that Carreno was responsible for responding to any patient requests for appointments posted on DemandForce. Y. Kenney Interview (Mar. 3, 2014). Although Carreno had been reminded of this duty several times in the past, Ying says that on Monday January 20, 2014, Carreno failed to respond to three appointment requests that had been posted over the weekend. *Id.* On Tuesday, January 21, 2014, Ying alleges that she and Dr. Kenney asked Carreno about this while Carreno worked at the front desk. *Id.*

According to Ying, Carreno became agitated and loud, and so she was asked to step back into Dr. Kenney's office for further discussion. *Id.* Ying said that she tried to calm Carreno down, but Carreno said "I don't work for you." *Id.* After more heated words, Carreno supposedly returned to the front desk. *Id.* Dr. Kenney claims that at some point during the January 21, 2014 argument, Carreno said to Ying, "I don't work in a Chinese sweatshop." J. Kenney Interview (Sept. 18, 2014).

When Dr. Kenney asked Carreno to return to the office to finish their conversation, Carreno allegedly responded, “I cannot work here anymore. When you need me, call me.” Y. Kenney Interview (Mar. 3, 2014). When Carreno got up to leave, Dr. Kenney says that he asked her not to leave, but that she did anyway. *Id.* Dr. Kenney did not recall Carreno mentioning being ill. *Id.* But Pervomayskaya told the Commission that she heard Carreno inform Dr. Kenney that she was not feeling well. C. Pervomayskaya Interview (Sept. 12, 2014)

DISCUSSION

The Human Rights Ordinance prohibits any employer from “directly or indirectly discriminat[ing] against any individual in hiring, classification, grading, recruitment, discharge, discipline, compensation, selection for training and apprenticeship, or other term, privilege, or condition of employment on the basis of unlawful discrimination.” County Code, § 42-35(b)(1). Unlawful discrimination is defined to include, *inter alia*, “discrimination against a person because of the actual or perceived status, practice, or expression of that person’s. . . age[.]” *Id.* at § 42-31.

The Standard

At this stage of the proceedings, the Commission’s task is to determine whether the investigation into Carreno’s complaint shows substantial evidence of an Ordinance violation. In evaluating such claims, the Commission uses a hybrid test: a modified version of the familiar three-step *McDonnell Douglas* approach, expanded to include the more flexible range of evidence used in the newer “mosaic” test. *See Marino v. Chicago Horticultural Society*, 2012E029, *5-6 (CCHRC Mar. 20, 2015) (describing the alternative tests used by various courts and agencies and the benefits of combining them into a single hybrid test as the Commission does); *Bell v. Parkville Auto Body, Inc.*, 2014E010, *4-5 (CCHRC Apr. 20, 2015).

Under the Commission’s approach, except in the rare case of a direct admission, a complainant must first establish a *prima facie* case of unlawful discrimination by identifying substantial evidence to show that:

- (1) she is a member of a protected class;
- (2) she performed her job satisfactorily;
- (3) she suffered an adverse employment action; and
- (4) some strongly probative evidence raises the inference that respondent had a discriminatory motive for taking that adverse employment action.

Id. The first three elements adhere to the well-established *McDonnell Douglas* formula. The fourth element reflects the mosaic test’s focus on the spirit of the inquiry. The inference of discrimination may be raised by the traditional method of showing that similarly situated employees outside of complainant’s protected class were treated more favorably. Or this element may be satisfied by some other kind of evidence suggesting discriminatory intent. Examples include suspicious timing, ambiguous statements, or generally unfavorable treatment of other employees in the protected group. *Id.*

If the complainant provides substantial evidence of this *prima facie* case, then the burden shifts to the respondent to articulate a legitimate, non-discriminatory reason for the adverse employment action. If it does so, the burden then shifts back to the complainant to present substantial evidence that respondent's asserted non-discriminatory reason is a pretext for discrimination.

The ultimate burden of showing substantial evidence of an Ordinance violation remains with the complainant. Accordingly, the Commission also will find a lack of substantial evidence if there is conclusive evidence rebutting one or more elements of the *prima facie* case (e.g., the evidence shows that there was no "adverse employment action" despite complainant's allegation to the contrary).

Carreno's Claims and the Prima Facie Case for Discrimination

Turning to Carreno's claims, she easily meets the first two elements of the *prima facie* case. She was 54 years old when allegedly fired, and thus is a member of the protected class for age discrimination claims (age 40 and over). See County Code, § 42-31 (defining "age"). Carreno alleges that she performed her job at Respondent in a satisfactory manner at all times. Compl. ¶ II.A. Even though Respondent claims that Carreno inflated her own hours when doing payroll in July 2012, she still meets the second element. A disputed claim does not defeat this threshold showing and, here, Respondent retained Carreno as an employee for over a year after this supposed infraction.

For purposes of analysis at this stage of the process, there is also sufficient evidence to support the third element of Carreno's claim. Carreno alleges two occurrences that each could constitute an adverse employment action: a reduction in her hours and the termination of her employment.

A significant change in hours can have an adverse impact on a worker. For example, if an employee is paid by the hour, a 30 percent reduction in hours worked is the same as a 30 percent pay cut. Under such circumstances, both are sufficient to satisfy this element of a *prima facie* case of discrimination. See, e.g., *Cambron v. Kelvyn Press Inc.*, 2011E021, *4 (CCHRC July 28, 2014) ("An adverse employment action constitutes a significant change in employment status, such as . . . a decision causing a significant change in benefits.")

Discharge, of course, is the classic adverse employment action. Here, Carreno claims she was fired, while Respondent claims that she quit. If Respondent is correct and she walked off the job because she so disliked dealing with Ying, then her termination would not meet the third element. But "[i]t is not the Commission's role to weigh the credibility of witnesses' statements at the investigation stage of its process." *Bell*, 2014E010 at *8. Carreno claims that she left early, with Dr. Kenney's express verbal approval, because she felt physically ill after Ying yelled at her repeatedly. Carreno's actions the next day appear to confirm her understanding of what had occurred: she went in to work the next day, was then confronted with being locked out of the office computer system and called Dr. Kenney on his cell phone to ask what was going on. At a minimum, this indicates a misunderstanding and would provide sufficient evidence for an administrative law judge to reasonably find that she did not voluntarily resign. Also, Carreno's account is supported by the testimony of at least one coworker. Pervomayskaya stated that on

Carreno's last day, following an argument with Ying, Carreno left saying she did not feel well and Dr. Kenney said "Ok." C. Pervomayskaya Interview (Sept. 12, 2014).

Lack of Substantial Evidence to Raise A Reasonable Inference of Discrimination

Where Carreno runs into trouble is with the fourth element of the *prima facie* case: some strongly probative evidence that raises the inference that respondent had a discriminatory motive for taking that adverse employment action. Carreno makes some allegations of a discriminatory motive for her reduced hours, but they are not supported by substantial evidence, and she failed to provide any allegations to raise the inference that her discharge was related to her age.

Starting with the reduced hours claim, Carreno's theory is that the transfer of her duties to younger coworkers resulted in the reduction of her hours. The theory is unsupported by the evidence adduced by the Commission's investigation in the first instance because the initial transfer of two of Carreno's major duties – accounts payable and payroll – were to a woman three years Carreno's senior (*i.e.* Ying). It is not reasonable for the Commission to infer discrimination where the evidence is that an employer has transferred duties from one member of a protected class to another member of the same protected class.² *Cf. Balderston v. Fairbanks Morse Engine Div. of Coltec Indus.*, 328 F.3d 309, 321 (7th Cir. 2003) (in age discrimination cases, the relevant question is not whether plaintiff's replacement is in or outside of the protected class for age, but rather, if the replacement is "substantially younger," defined generally as 10 years younger). The disputed evidence that the transfer of these duties from Carreno to Ying was preceded by ageist comments by Dr. Kenney is not sufficient to resuscitate this portion of Carreno's claim.

The Commission's investigation did find at least one instance in which the disputed evidence of an ageist comment by Dr. Kenney was followed by substantial evidence of a transfer of Carreno's job duties to a younger coworker: Carreno's claim that Dr. Kenney gave her collection duties to the college-aged Jackubczek.

Carreno claims that sometime around November 2013, Dr. Kenney told her that he was going to give her collection-call responsibilities to Jackubczek because Jackubczek was younger and better able to handle the stress of that task. Compl. ¶ II.D. At least one witness supports Carreno's testimony. Former coworker, Milutinovic, recalled Dr. Kenney saying that Jackubczek might be better than Carreno for making collection calls because Jackubczek sounded "younger and more upbeat" when talking to their young patients' parents. S. Milutinovic Interview (Apr. 9, 2015). Milutinovic also stated that after December 2013, Jackubczek was doing 95 percent of the collection calls. While Respondent contests this evidence and presents its own testimony in support for the view that Carreno remained primarily responsible for collection calls with Jackubczek merely helping, at this stage there is substantial evidence to support Carreno's version of these events.

² Uniquely in age discrimination cases, a discriminatory inference sometimes may be drawn when an employer transfers duties from one member of the "40 and over" protected class to another, but doing so is reasonable under only one condition: when the employee benefitted is substantially *younger* than the complainant. *See Marino v. Chicago Horticultural Society*, 2012E029, *7 (CCHRC Mar. 20, 2015) (drawing an inference of age discrimination where complaint, age 67 when terminated, was replaced by a 41 year old).

Unfortunately for Carreno's underlying claim, resolving this factual dispute in her favor does nothing to preserve her claim. This is because there is no evidence, substantial or not, that the alleged transfer of Carreno's collection-call duties was the reason for the reduction in her hours after Jackubczek was hired. Instead, as Carreno acknowledged, her total "clocked" hours per pay period remained the same from 2011 – before Jackubczek arrived and before Ying took over part of Carreno's job – to 2014 when her employment ended. Carreno's hours fell because of the office-wide change in policy on working at home. Carreno does not allege that this policy itself was discriminatory or changed because of her age. Nor could she. The policy applied to all of Respondent's employees, regardless of age, and the evidence before the Commission is that the change in policy similarly affected Carreno's under-40 coworker, Milutinovic.

As a result, if Carreno's discrimination claim is to advance, it would have to be on the strength of the evidence supporting her allegations of discriminatory discharge. But here again, the evidence before the Commission is lacking.

The parties have presented the Commission with wildly divergent accounts of Carreno's last two days working for the Respondent, but even accepting as true Carreno's version of those events, nothing in her account suggests that Respondent terminated Carreno based on her age. Strikingly, Carreno does not make any allegations to suggest that her alleged discharge was motivated by anything other than the professional hazards of getting into an argument with a sole proprietor's spouse.

One common method to meet the fourth element is to show that similarly situated employees who are outside the complainant's protected class were treated more favorably in similar circumstances. But Carreno did not claim (and the Commission's investigation did not find) that any of the younger employees had kept their jobs after getting into an intense disagreement with Ying or walking out of a meeting on her. Carreno's account of what happened on January 21, 2014 is certainly upsetting. But the Human Rights Ordinance is not violated by uncivilized, distressing workplace behavior unless it is specifically motivated by discriminatory animus. *See Bell*, 2014E010 at *6 (collecting cases).

Here, Carreno has alleged that her responsibilities were transferred to her boss's wife, a woman older than herself (and also in the same protected category under the Human Rights Ordinance), and that she was fired after the two of them had an unusually unpleasant interaction. A thorough investigation has failed to uncover substantial evidence to raise an inference that Carreno's discharge was based on her age, so it too does not satisfy the final element of the *prima facie* case of discrimination.

CONCLUSION

For the foregoing reasons, the Commission orders that Complaint No. 2014E006 pending before this Commission be DISMISSED for LACK OF SUBSTANTIAL EVIDENCE of a violation of the Human Rights Ordinance. In accordance with CCHR Pro. R. 480.100(A), either party may file a request for reconsideration with the Commission within 30 days of the date of this order.

May 13, 2015

By delegation:

A handwritten signature in black ink, appearing to read 'Ranjit Hakim', with a horizontal line extending to the right.

Ranjit Hakim
Executive Director of the Cook County
Commission on Human Rights