

COOK COUNTY COMMISSION ON HUMAN RIGHTS

69 West Washington Street, Suite 3040
Chicago, Illinois 60602

Rebekah GIVENS, Complainant)	
)	
v.)	Case No. 2012E011
)	
INGALLS MEMORIAL HOSPITAL,)	Entered: July 14, 2014
Respondent)	

ORDER

On or about March 15, 2012, Complainant Rebekah Givens (“Givens”) filed a complaint against her employer, Respondent Ingalls Memorial Hospital (“Ingalls”), for disability-based employment discrimination in violation of the Cook County Human Rights Ordinance (“Human Rights Ordinance”). Givens alleges that her disability provided Ingalls with the impetus for differential discipline arising from the failure to discharge a hospital patient on February 22, 2012. Compl. ¶¶ I.D, E. Prior to filing the pending complaint with the Cook County Commission on Human Rights (“Commission”), Givens filed a substantially similar charge against Ingalls with the Illinois Department of Human Rights (“IDHR”). *Givens v. Ingalls*, Charge No., 2012CF2387 (IDHR Feb. 28, 2012). The Commission deferred its investigation into Givens’ complaint in favor of the prior proceeding at IDHR. *Givens v. Ingalls*, 2012E011 (CCHRC May 14, 2012). On February 21, 2013, IDHR dismissed Givens’ state complaint for a lack of substantial evidence to support her allegations. *Givens*, 2012CF2387. This Commission now follows suit.

Givens case at the Commission has been deferred for more than two years. In that time, it is reasonable to believe that documents essential to the Commission’s investigation have become more difficult to locate and witnesses’ memories have faded. Fortunately, one of the Commission’s peer agencies had the opportunity to investigate substantially the same allegations by Givens closer to the date of the alleged discriminatory acts. Rather than recreating this investigation with evidence that has grown less reliable through the passage of time, the Commission amended its rules and procedures with respect to deferred cases, such as Givens’, to provide that:

If the Commission defers its investigation of a Complaint in favor of the investigation or adjudication of the same Complaint, or a substantially similar Complaint, with another similar administrative agency, then the factual findings and conclusions of law of that other similar administrative agency shall be binding on the parties to the Complaint pending before the Commission unless the Commission orders otherwise.

CCHR Pro. R. 440.105.

Having reviewed IDHR's decision to dismiss Givens' charges and the underlying investigation report, which explains the merits of Givens' complaint, the Commission adopts IDHR's factual findings and conclusions of law. Those findings include that an investigation of Givens' complaint did not reveal that Givens' lupus was a contributing factor in her alleged discrimination.

For the foregoing reasons, the Commission orders that complaint 2012E011 pending before this Commission be **DISMISSED** for **LACK OF SUBSTANTIAL EVIDENCE**. 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 this order.

July 14, 2014

By delegation:

A handwritten signature in black ink, appearing to read 'R. Hakim', is written over a horizontal line.

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