

**COOK COUNTY COMMISSION ON HUMAN RIGHTS**

69 West Washington, Suite 3040  
Chicago, Illinois 60602

---

Yolanda MORRIS, Complainant	)	Case No. 2012PA003
v.	)	Entered: October 17, 2013
WAL-MART STORES, INC., Respondent	)	

---

**ORDER**

Complainant Yolanda Morris (“Morris”) brought this action on March 29, 2012 against Respondent Wal-Mart Stores, Inc. (“Respondent” or “Walmart”), for unlawful public accommodation discrimination on the basis of a disability in violation of Section 42-37(a) of the Cook County Code of Ordinances (“County Code”). Morris uses a mobility scooter while shopping because of scoliosis and arthritis. Compl., ¶ I.B. Morris alleges that while shopping at the Walmart store located in Niles, Illinois, a cashier ignored her request for assistance placing items on the checkout counter. *Id.* at ¶ I.C. Morris claims that she had to complain to the manager in order to obtain this assistance and pay for her items. *Id.* at ¶¶ I.D, G. This Commission dismisses Morris’s complaint because its investigation shows a lack of substantial evidence to support a violation of Section 42-37(a) of the County Code.

**Background**

Morris represents that as a result of her scoliosis and arthritis, she uses a mobility scooter while shopping and has difficulty lifting items from her shopping basket onto the checkout counter. *See* Compl., ¶¶ I, I.B, C; Morris Interview 10/1/13. Morris alleges that on March 2, 2012, she was using a mobility scooter to shop at the Walmart located at 5630 W. Touhy Avenue in Niles, Illinois. Compl. at ¶¶ I.B, C. At the end of this visit, Morris says she asked the cashier to take the products Morris was carrying and place them on the checkout counter. *Id.* at ¶ I.C. According to Morris, the cashier ignored the request “and, instead, rolled her eyes and shrugged her shoulders.” *Id.* Morris complained to a store manager who provided Morris with the assistance she requested, and Morris paid for her purchases. *See id.* at ¶¶ I.D, G. Morris subsequently told Commission staff that it took about ten extra minutes for her to check out once she escalated her complaint to the store manager. Morris Interview 10/1/13. Morris added that she started shopping at Walmart in 2008 and visits approximately twice a month. *Id.* Morris has never felt discriminated against for her disability in the past and has not reported any subsequent incidents, although she does make it a point to avoid the cashier from the March 2, 2012 incident. *See id.*

Walmart largely denies Morris’s allegations. The parties, however, agree that Morris used a mobility scooter to shop at Walmart’s Niles location on March 2, 2012. *See* Verified

Resp. ¶ II.B. They also agree that Morris complained to the store manager during that visit and that Morris was subsequently able to purchase the items she desired.<sup>1</sup> *See id.* at ¶¶ II.B, G.

### Discussion

The Cook County Human Rights Ordinance (the “Human Rights Ordinance”) prohibits any person “that owns, leases, rents, operates, manages, or in any manner controls a public accommodation in Cook County” from “withhold[ing], deny[ing], curtail[ing], limit[ing], or discriminat[ing] concerning the full use of such public accommodation by any individual on the basis of unlawful discrimination.” County Code, § 42-37(a). Here, there is no question that Walmart is a public accommodation subject to the jurisdiction of the Human Rights Ordinance. *See* Compl. ¶ II.A; Verified Resp. ¶ II.A. And the Commission will presume that Morris’s complaint is based on an accommodation (*i.e.* special assistance checking out) necessitated by a disability.<sup>2</sup>

Thus the only important remaining question is whether Morris was denied her requested accommodation and, as a result, full use of the Walmart store in Niles on March 2, 2012. By Morris’s own charge, she was not. All parties agree that Morris was able to enter the store, select items for purchase, purchase those items and egress after, at most, a 10-minute delay. The Commission’s investigation shows that Morris is regularly able to fully enjoy the use of this particular public accommodation. The parties disagree about whether the initial cashier disregarded Morris’s request for assistance placing items on the checkout counter, but even if this had occurred, the difference between a poor customer experience and actionable unlawful discrimination is a manager who promptly provides a disabled customer with whatever accommodation he or she reasonably requires. The assistance provided by the store manager of the Niles Walmart must defeat any claim of discrimination that could have arisen from the cashier’s alleged conduct. Any other rule disincentivizes the owners of public accommodations from rectifying an initial failure to reasonably accommodate the disabled and would needlessly restrict protected individuals’ full use of such public accommodations in Cook County.

---

<sup>1</sup> Walmart claims that the first cashier offered to help Morris with her purchases, but that Morris refused the offer and went to a different cashier. Respondent Position Statement, p. 3.

<sup>2</sup> In a subsequent interview with Commission staff, Morris appears to indicate that she could lift items from her shopping cart, but on the date in question had difficulty placing items on the checkout counter because she was carrying her shopping in her arms and her hands were full. Morris Interview 10/1/13. The Human Rights Ordinance requires a nexus between the complainant’s disability and his or her request for accommodation. *See* County Code, §§ 42-31 (defining “unlawful discrimination” and “disability”), 42-37(a) (“...discriminate concerning the full use of such public accommodation by any individual on the basis of unlawful discrimination.”). Thus the failure of a public accommodation to help an able individual with full hands, though perhaps rude, is not ordinarily legally actionable. What would be actionable is the failure of a public accommodation to help a disabled person who *because of her disability* cannot lift items that she must lift in order to enjoy full use of the public accommodation.

### Conclusion

For the foregoing reasons, the Commission orders that complaint 2012PA003 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 this order.

October 17, 2013

By delegation:

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

Ranjit Hakim  
Executive Director of the Cook Commission on  
Human Rights