

CITY OF CHICAGO
COMMISSION OF HUMAN RIGHTS
500 North Peshtigo Court, 6th Floor
Chicago, Illinois 60611

In the matter of:)
)
BILLIE JEAN MAHAFFEY,)
Complainant.)
) Case No. 93-E-221
v.)
)
THE UNIVERSITY OF CHICAGO)
HOSPITALS and ELIZABETH KELLY,)
Respondents.)

FINAL RULING ON LIABILITY

I. BACKGROUND

Complainant Billie Jean Mahaffey ("Complainant" or "Ms. Mahaffey") filed a Complaint with the City of Chicago Commission on Human Relations ("Commission"), alleging that she was discharged by Respondents University of Chicago Hospitals and Elizabeth Kelly ("Respondents" or "University Hospital" or "Ms. Kelly Hayden") because of her race, African-American, and/or because of her age, 53 years old, in violation of Section 2-160-030 of the Human Rights Ordinance of the City of Chicago ("HRO" or "Ordinance"). Respondents contend that Ms. Mahaffey was terminated because she failed to meet performance expectations.

An Administrative Hearing was held in this case on October 30, 31, and November 21, 1997. Complainant and Respondents were represented by counsel. The Hearing Officer issued

her First Recommended Decision on March 23, 1998. Complainant objected to that Recommendation. Respondents filed a motion to strike those objections which the Hearing Officer denied. Respondents filed a response to Complainant's objections. The Hearing Officer issued her final Recommended Decision on July 1, 1998. After considering the record in this matter, the Board of Commissioners makes the following ruling.

II. FINDINGS OF FACT

1. Billie Jean Mahaffey is an African-American woman whose date of birth is January 15, 1940. (Tr. 12).

2. Ms. Mahaffey has earned a Bachelor of Arts degree in Business Administration from National Lewis University. In 1975, Ms. Mahaffey received her nursing degree from Kennedy King College. (Tr. 13-14).

3. Ms. Mahaffey was first employed by the University of Chicago Hospitals on December 4, 1967 as a Staff Nurse. She voluntarily resigned her position in 1977. Thereafter, in April 1978, Ms. Mahaffey was reemployed by the University of Chicago Hospitals as an Assistant Head Nurse in labor and delivery. (Tr. 15-16).

4. In early 1992, the Gynecology/Oncology Unit became a part of the Oncology Center. (Tr. 485-486). A major function of the oncology unit is administering chemotherapy. (Tr. 243).

5. Chemotherapy is a drug that is given to people with cancer to try to stop the growth of the cancer. Being "Chemo-competent" means that you know chemotherapy drugs

and their side effects. (Tr. 485). A Chemo-competent nurse is able to care for patients who are undergoing chemotherapy. (Tr. 485).

6. In August 1992, Ms. Mahaffey was transferred to the gynecology floor – T3 Southwest ("T3 SW"). Her title was Acting Assistant Head Nurse in Oncology. (Tr. 17, 20). The Assistant Head Nurse position was subsequently renamed Assistant Clinical Manager. (Tr. 20).

7. Elizabeth Kelly Hayden is a Caucasian female whose date of birth is April 4, 1959. (Jt. Pre-Hearing Memorandum, p.8). Ms. Kelly Hayden became the Clinical Manager ("CM") and Care Center Leader ("CCL") for T3 SW in November 1992. (Tr. 321, 415).

8. Betty Zeisler is a Caucasian female whose date of birth is February 15, 1937. (Tr. 318). Ms. Zeisler was also an ACM for T3 SW. (Tr. 323). Ms. Zeisler is and at all relevant times was Chemo-competent. (Tr. 333). Ms. Zeisler voluntarily retired in April 1993, at the age of 62. (Tr.336).

9. Until Ms. Zeisler retired at the end of April 1993, she and Ms. Mahaffey were the only ACMs in the Gynecology/Oncology Unit at T3 SW. (Jt. Pre-Hearing Memorandum, p. 12).

10. In 1992, Ms. Kelly Hayden became Ms. Mahaffey's and Ms. Zeisler's supervisor. (Tr. 321, 415).

11. Ms. Mahaffey was not Chemo-competent. (Tr. 24). During the almost two years that Ms. Mahaffey worked in Gynecology/Oncology Unit at the University of Chicago Hospitals, she never became Chemo-competent. Consequently, Ms. Mahaffey could not administer or "pass" chemotherapy. (Tr. 243).

12. In February 1993, Ms. Kelly Hayden told Ms. Mahaffey that she needed to become Chemo-competent. (Tr. 250). In June 1993, Ms. Kelly Hayden reminded Ms. Mahaffey that she needed to become Chemo-competent. (Tr. 250).

13. In July 1993, Ms. Kelly Hayden compiled written training materials to help Ms. Mahaffey become Chemo-competent. (Tr. 250, 436-437; R. Exh. 16).

14. Ms. Mahaffey was the only ACM in the Oncology Department in 1993 who was not Chemo-competent. (Tr. 252).

15. It usually takes a nurse between four to twelve weeks to become Chemo-competent (Tr. 491).

16. In February 1993, Ms. Kelly Hayden met with Ms. Mahaffey and Ms. Zeisler together and informed them of her expectations for their performance. (Tr. 39, 170-1, 322; R. Exh. 8). During the meeting, Ms. Kelly Hayden gave Ms. Mahaffey and Ms. Zeisler an expectations memorandum which detailed the critical elements of being an ACM in Oncology. (Tr. 39, 418; R. Exh. 8).

17. The expectations for Ms. Zeisler and Ms. Mahaffey were the same. (Tr. 420). During the meeting in February 1993, Ms. Kelly Hayden did not distinguish Ms. Zeisler's duties from Ms. Mahaffey's duties. (Tr. 324). Ms. Mahaffey admitted that Ms. Kelly Hayden wanted Ms. Mahaffey to do the same things that Ms. Zeisler was already doing. (Tr. 170).

18. Ms. Zeisler prepared the staff work schedule, timecards and corrective actions for all three shifts. (Tr. 325). Ms. Mahaffey did not prepare staff work schedules, time cards, and corrective actions until after Ms. Zeisler retired. (Tr. 200).

19. Ms. Zeisler effectuated the corrective actions during the period from January through April 1993. (Tr. 257).

20. One of Ms. Mahaffey's responsibilities as an ACM on T3 SW after Ms. Zeisler retired was to effectuate corrective actions for staff nurse attendance on a timely basis. (Tr. 255, 257). Ms. Mahaffey did not do any corrective actions for the staff nurses during the period of May through July 1993. (Tr. 256).

21. A full patient load in Gynecology/Oncology was four patients each day. (Tr. 419). ACMs were expected to take a patient load of at least two patients each day. (Tr. 419; R. Exh. 8).

22. As an ACM on T3 SW in 1993, Ms. Zeisler had a full patient load. (Tr. 326). Ms. Zeisler usually had four patients as her load. (Tr. 326).

23. During the nine months she worked in 1993 as an ACM, there were only four occasions where Ms. Mahaffey had a patient load of four. During the four months in 1993 that she worked before she retired, Ms. Zeisler had a patient load of four or more on at least 28 days.

24. Ms. Zeisler and Ms. Mahaffey were expected to work alternate weekends. (Tr. 422; R. Exh. 8). Ms. Zeisler worked alternate weekends from February 1993 through April 1993 when she retired. (Tr. 422-3). Ms. Mahaffey did not work any weekends from February 1993 through April 1993. (Tr. 422-3).

25. Ms. Zeisler testified that, in discussing Ms. Zeisler's retirement, Ms. Kelly Hayden told Ms. Zeisler that she would like for her to stay. (Tr. 337)

26. Ms. Kelly Hayden met with Ms. Mahaffey on numerous occasions in February, March, and April 1993 to discuss the fact that Ms. Mahaffey was not meeting Ms. Kelly Hayden's expectations. (Tr. 424).

27. Ms. Kelly Hayden met with Ms. Mahaffey on June 25, 1993 to discuss Ms. Mahaffey's performance problems. (Tr. 426).

28. On July 21, 1993, Ms. Kelly Hayden wrote Ms. Mahaffey a memorandum regarding her concerns about Ms. Mahaffey's performance. (Tr. 425; R. Exh. 9). On July 23, 1993, Ms. Kelly Hayden met with Ms. Mahaffey about her performance and to discuss the July 21, 1993 memorandum. (Tr. 426).

29. During the period between February 1993 through July 1993, Ms. Kelly Hayden discussed the following performance deficiencies with Ms. Mahaffey:

- ▶ Ms. Mahaffey had failed to become Chemo-competent. (Tr. 424, 433).
- ▶ She assigned the acute patients or a cesium patient to agency nurses, in violation of University Hospital's policy. (Tr. 424, 429).
- ▶ Ms. Mahaffey repeatedly made mistakes with the scheduling so that some days the Unit would be understaffed and some days it would be overstaffed. Or, some days there would not be anyone assigned who was able to give chemotherapy. (Tr. 424, 426).
- ▶ Ms. Mahaffey was not properly tracking attendance. (Tr. 430).

30. On August 6, 1993, Ms. Kelly Hayden and Ms. Sandra Chamberlick, Director for Pharmacy for T3 SW, attempted to meet with Ms. Mahaffey about her performance. (T.

443). Ms. Mahaffey refused to meet with Ms. Chamberlick and Ms. Kelly Hayden unless she had her lawyer present. (Tr. 444). Ms. Kelly Hayden issued a written warning to Ms. Mahaffey for insubordination for not following reasonable directives of a supervisor. (Tr. 444; R. Exh. 12).

31. On August 15, 1993, Ms. Kelly Hayden, Marybeth Madjetko, CCL and Clinical Nurse Manager for three units on the 6th floor, and Myra Jenkins, ACM, met with Ms. Mahaffey. (Ms. Jenkins was present at Ms. Mahaffey's request.) (Tr. 446). During this meeting, Ms. Kelly Hayden reviewed her performance expectations with Ms. Mahaffey. (Tr. 446). Ms. Kelly Hayden also discussed where Ms. Mahaffey stood with respect to those expectations. (Tr. 446).

32. Ms. Kelly Hayden met with Ms. Mahaffey about her performance on September 17, 1993. (Ms. Chamberlick and Ms. Jenkins were also present at this meeting). (Tr. 446). Ms. Kelly Hayden told Ms. Mahaffey that she was not meeting the expectations discussed on July 23, 1993. During this meeting, Ms. Kelly Hayden presented Ms. Mahaffey with a final written warning. (Tr. 447; R. Exh. 11). The warning advised Ms. Mahaffey that they would recommend her termination if her performance did not improve by September 30, 1993. (Tr. 448; R. Exh. 11).

33. Ms. Mahaffey's performance did not improve by September 30, 1993. (Tr. 449).

34. Ms. Kelly Hayden and Ms. Chamberlick recommended that Ms. Mahaffey be terminated for poor performance. (Tr. 449; R. Exh. 12A). The termination recommendation was submitted to the Human Resources Department and was reviewed by senior management. (Tr. 450).

35. On October 13, 1993, Ms. Kelly Hayden and Ms. Chamberlick met with Ms. Mahaffey and told her that she was being terminated. (Tr. 451). During this meeting, Ms. Mahaffey was given a termination notice. (Tr. 451).

36. Ms. Mahaffey was terminated for failing to meet performance expectations. (Tr. 451; R. Exh. 12).

37. Ms. Kelly Hayden hired Ms. Victoria Frazier Jones to replace Ms. Mahaffey as the ACM on T3 SW. (Tr. 455). Ms. Jones is an African-American woman over 40 years old. (Tr. 455; Jt. Pre-Hearing Memorandum, p. 13).

38. Ms. Mahaffey did not present any evidence that she was treated less favorably than non-African-Americans who were not meeting Respondents' expectations.

39. Ms. Mahaffey did not present any evidence that she was treated less favorably than younger ACMs who were not meeting Respondents' performance expectations.

40. Mary Brown is an African-American woman. From 1972 through 1994 she was employed by The University of Chicago Hospitals as a Unit Secretary. Beginning in 1993, Ms. Kelly Hayden became Ms. Brown's supervisor. (Tr. 401-2).

41. Ms. Brown testified that on one occasion, in approximately August 1993, she was standing in a nursing station when she overheard a conversation between Ms. Mahaffey and Ms. Kelly Hayden. Ms. Brown also testified that she was in the nurses station and Ms. Mahaffey and Ms. Kelly Hayden were in the conference room. (Tr. 403-4).

42. Ms. Brown testified that she heard Ms. Kelly Hayden tell Ms. Mahaffey: "I think you might be too old for this position." (Tr. 406).

43. Shortly thereafter, Ms. Brown contradicted her prior testimony and stated that she was in the conference room (not the nursing station) when she overheard the alleged conversation. (Tr. 406).

44. Due to Ms. Brown's contradictory testimony, the Commission finds that she was not a credible witness.

III. COMPLAINANT'S OBJECTIONS

On October 20, 1997, Complainant filed Complainant's Objections To First Recommended Decision ("Objections"). Complainant's primary objections are: 1. the "First Recommended Decision ("Recommendation") fails to address much of the evidence and testimony presented by Complainant and by several witnesses; and 2. the Recommendation is also against the manifest weight of the evidence.

A. Complainant's Objections Are Dismissed Because They Merely Argue For A Reweighing Of The Evidence.

Section 240.610(b) of the Commission's Regulations provides that a complainant objecting to a first recommended decision must include "relevant legal analysis for any objections to legal conclusions, grounds for reversal or modification of any findings of fact including specific references to the record or transcript, and/or grounds for modification or reversal of relief order if any." Further, the Hearing Officer's recommended decision generally will be adopted if it is not contrary to the evidence presented at the Administrative Hearing. See Reg. 240.620.

The Commission has previously held that a complainant objecting to Hearing Officer's recommendation may not simply argue that the evidence and the Hearing Officer's determining of credibility should be reweighed. Findings of fact will not be set aside unless there is no competent evidence to support the decision or it appears from the record that a opposite conclusion clearly warranted similarly, a complainant cannot meet his or her burden merely by showing that there is another plausible interpretation of the evidence. Reid v. F.J. Williams Realty, CCHR No. 93-H-42 (February 22, 1995) and Hall v. Becovic, CCHR No. 94-H-39 (June 21, 1995). In this case, Complainant's Objections merely argue for a reweighing of the evidence and suggest an alternative interpretation of the record. Therefore, the Objections are dismissed.

B. All of Complainant's Objections to The First Recommended Decision Are Without Merit

After careful consideration of all of Complainant's Objections, the Commission responds to three Objections specifically and dismisses all of Complainant's Objections as meritless. In general, Complainant's Objections are not supported by the transcript. Furthermore, Complainant's Objections, in some instances, misrepresent the testimony at Hearing.

For example, Complainant's first objection states, among other things, that "there were at least four other nurses that were not Chemo-competent: Annette Robinson, Mary Woods, Shelly Bradley, and Sandra Fry." She claims that this fact is inconsistent with Respondents' claims as to the importance of being Chemo-competent. However, the testimony at Hearing was that: 1. Ms. Mahaffey approached Ms. Bradley as a preceptor to teach her to become

Chemo-competent. (Tr. 107, 109); 2. Annette Robinson was Chemo-competent (Tr. 439); Sonia (not Sandra) Fry became Chemo-competent, in six weeks during the summer of 1993 (Tr. 439); and 4. Mary Woods and Shelly Bradley were Chemo-competent. (Tr. 440).

Complainant also objects to the Recommendation on the basis that, although she was "accused of not doing corrective action forms, she did them." However, the evidence at Hearing was that Ms. Mahaffey was criticized for not doing corrective actions during the period from May to July 1993. (R. Exh. 9). Complainant admitted that she did not do any corrective actions during that time. (Tr. 257).

Finally, Complainant objects to the Recommendation on the bases that Respondents were unable to present any evidence to support many of its complaints about Ms. Mahaffey's performance and that Complainant actually met Respondents' legitimate job expectations. Both of these objections are completely frivolous and are not supported by the record in this case. The fact is that Respondents submitted numerous pages of documentary evidence and presented hours of testimony to support its claims of Ms. Mahaffey's poor performance and of the fact that she was not meeting Respondents' legitimate job expectations.

Therefore, the Commission finds that Complainant's Objections do not warrant reversing or altering the Hearing Officer's Recommendations.

IV. CONCLUSIONS OF LAW

1. This is a disparate treatment case in which Ms. Mahaffey claims she was subjected to discriminatory treatment because of her race, African American, and/or her age, 53. Specifically, Ms. Mahaffey claims that her discharge was motivated by her race and/or age

and that she was subjected to terms and conditions of employment different from other employees, including Ms. Zeisler.

2. If Ms. Mahaffey's allegations were proven, she would have established violations of the Chicago Human Rights Ordinance ("Ordinance"), Section 2-160-030 of the Chicago Municipal Code, which provides that it is unlawful to discharge an individual "because of the individual's race, . . . [or] age" Section 2-160-020(a) of the Ordinance defines age to mean "chronological age of not less than 40 years."

3. Under a disparate treatment theory, a complainant must show that the employer treats some people less favorably than others because they belong to a protected class. International Brotherhood of Teamsters v. United States, 431 U.S. 324, 335 (1977). As complainant, Ms. Mahaffey has the burden of proof and she must demonstrate, by the preponderance of the evidence, that she was subjected to discriminatory treatment because of her race and/or age, and that the actions taken against her were intentional and purposeful. Texas Dept. of Community Affairs v. Burdine, 450 U.S. 248 (1981); Deegan v. Falasz, CCHR No. 93-E-204 (February 22, 1995) at pp. 4-5; Audette v. Simko Provision Co., CCHR No. 92-E-39 (June 16, 1993) at p. 5; and Brown v. Midway Airport Inn, CCHR No. 90-E-137 (November 18, 1992) at p. 11.

McDonnell Douglas Corp. v. Green, 411 U.S. 792 (1973), provides a widely used and well-accepted framework for analyzing disparate-treatment employment discrimination cases when direct evidence is not present. E.g., Brown v. Midway Airport Inn, at 11. Once the complainant establishes a *prima facie* case, the burden shifts to respondent to rebut the

inference of disparate treatment by articulating a legitimate non-discrimination reason for its actions. E.g., Burdine, 450 U.S. at 256; McDonnell Douglas Corp., 411 U.S. at 804; Brown, at p. 11; see Austin v. Harrington, CCHR No. 94-E-237 (October 22, 1997); and Akangbe v. 1428 West Fargo Condominium Assoc., CCHR No. 91-FHO-7-5595 (March 25, 1992). Respondent's burden of articulation is one of production, not proof. Burdine, 450 U.S. at 257; McDonnell Douglas, 411 U.S. at 802; Brown, *supra*; see Perryman v. Johnson Products Co., Inc., 698 F.2d 1138, 1142 (11th Cir. 1983) (quoting Lee v. Russell County Board of Education, 684 F.2d 769, 773 (11th Cir. 1982)). Respondent must introduce credible evidence sufficient to establish a non-discrimination basis for its treatment of complainant. Id. If respondent successfully rebuts complainant's *prima facie* case, then to prevail, the complainant must establish by a preponderance of the evidence that the articulated reasons for respondent's actions are a pretext for discrimination. Burdine, 450 U.S. at 256; Christ Hospital & Medical Center v. Illinois Human Rights Comm'n, 227 Ill.Dec. 608, 612, 687 N.E.2d 1090 (1st Dist. 1997), citing St. Mary's Honor Center v. Hicks, 509 U.S. 502, 511 (1993); and Smith v. Nikolic, CCHR No. 95-H-130 (Apr. 15, 1998).

A. *Prima Facie Case -- Race*

4. A *prima facie* case of race discrimination may be established by showing that the complainant (1) is a member of a group protected from discrimination by the Ordinance; (2) she was meeting the employer's legitimate expectations; (3) she suffered specific harm as a result of the employer's actions; and (4) the harm suffered was a function of her membership in the protected class. E.g., Brown, at p. 13.

5. In the instant case, it is undisputed that Complainant is African-American.

6. There is no question that Ms. Mahaffey was discharged. Thus, she suffered a "specific harm."

7. However, Ms. Mahaffey has failed to show that the harm she suffered was a function of her being an African-American or that she was meeting Respondents' legitimate job expectations. Despite Ms. Mahaffey's allegations, the evidence supports Respondents' claim that Ms. Mahaffey was discharged because she failed to meet Respondents' performance expectations. (Findings of Fact ("FOF") 18, 20, 25, 27, 28, 29, 31, 32). In addition, Ms. Mahaffey did not produce any evidence to indicate that she was treated more harshly than non-African-Americans who were not meeting Respondents' performance expectations. (FOF 38). Furthermore, the undisputed facts at Hearing proved that Ms. Mahaffey was held to the same performance standards as Ms. Zeisler who is not African American. Finally, University Hospital replaced Ms. Mahaffey with Ms. Jones, who is also African-American. (FOF 37). Consequently, Ms. Mahaffey has failed to prove a *prima facie* case of race discrimination.

B. Prima Facie Case -- Age

8. To make out a *prima facie* case in an age discrimination action, "a plaintiff must demonstrate facts sufficient to create a reasonable inference that age discrimination was 'a determining factor' in the employment decision." Cuddy v. Carmen, 694 F.2d 853 (D.C. Cir. 1982); cited in Audette, at p. 5. An inference of discrimination is created if the complainant shows that: (1) she belongs to the statutorily protected age group; (2) she was meeting the employer's legitimate expectations at the time of termination; (3) she was terminated; and (4)

the harm suffered was caused by being in the protected class. Coburn v. Pan American World Airways, 711 F.2d 339, 342 (D.C. Cir. 1983); cited in Audette, at p. 5.

9. Although Ms. Mahaffey was terminated and is over 40 years old, she has failed to prove a *prima facie* case of age discrimination because: (1) she has failed to prove that she was meeting the employer's legitimate expectations at the time of termination; and (2) she cannot show that she was disadvantaged in favor of a younger person.

10. The evidence at Hearing supports University Hospital's and Ms. Kelly Hayden's claim that Ms. Mahaffey was not meeting their performance expectations. (FOF 18, 20, 25, 27, 28, 29, 31, 32). Furthermore, the evidence proves that Ms. Mahaffey was being held to the same standards as Ms. Zeisler, an ACM who is older than she is. Furthermore, Ms. Mahaffey did not produce any evidence that she was treated more harshly than younger ACMs who were not meeting Respondents' performance expectations. (FOF 38).

C. Articulation Of Defense

11. Assuming, *arguendo*, that Complainant substantiated a *prima facie* case of either age or race discrimination regarding her discharge, University Hospital and Ms. Kelly Hayden have rebutted the *prima facie* cases by articulating a clear and specific explanation for Ms. Mahaffey's discharge.

12. Thus, through the evidence presented, Respondents "produced admissible evidence which would allow the trier of fact rationally to conclude that the employment decision had not been motivated by discriminatory animus." Brown, at p. 14, citing McDonnell Douglas.

13. Ms. Mahaffey might nevertheless have prevailed if she had presented persuasive direct or indirect evidence that Respondents' articulated reasons for actions taken were not its true reasons, but were a pretext for discrimination. Ms. Mahaffey attempted to show pretext by presenting evidence that Ms. Kelly Hayden said, on one occasion, that Ms. Mahaffey was "too old" for the job. (Tr. 87-8). Specifically, Ms. Mary Brown, one of Ms. Mahaffey's witnesses, testified that she heard Ms. Kelly Hayden say that "Ms. Mahaffey might be too old for this position." (Tr.404-5). She also testified that she did not hear any other part of the conversation and she does not know what, if anything else, was said. In light of the fact that:

1. Ms. Mahaffey was replaced by an African-American in the protected age category (FOF 36);
2. Ms. Zeisler is older than Ms. Mahaffey;
3. Ms. Zeisler was able to meet Respondents' expectations;
4. Ms. Kelly Hayden denied making the statement (Tr. 456);
5. Ms. Zeisler testified that Ms. Kelly Hayden asked her not to retire (Tr. 337); and
6. Ms. Brown's brief testimony contained a major inconsistency regarding where she was when she allegedly overheard the conversation in question, the Commission does not find Ms. Brown's testimony to be either reliable or persuasive.

Consequently, Ms. Mahaffey failed to prove that Respondents' articulated reasons for her discharge were a pretext for either race or age discrimination.

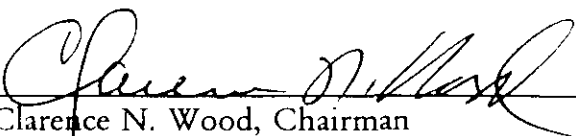
V. CONCLUSION

Overall, the evidence does not support Ms. Mahaffey's claims that she was discharged because of her race and/or her age.

As previously discussed herein, Complainant has failed to prove a *prima facie* case of either race or age discrimination. Moreover, even if she had proven a *prima facie* case of discrimination, she failed to prove that Respondents' articulated nondiscriminatory reasons for Ms. Mahaffey's termination were pretext for unlawful discrimination. The "ultimate" question in a disparate treatment case is not whether complainant established a *prima facie* case or demonstrated pretext, but whether the evidence establishes that the respondent intentionally discriminated against the complainant for a prohibited reason. (Burdine, 450 U.S. at 256.) Ms. Mahaffey failed to prove her ultimate burden of showing that her discharge or any other treatment of her was motivated by her race or her age.

For the reasons stated above, the Commission finds in favor of Respondents and dismisses the Complaint.

For: CHICAGO COMMISSION ON HUMAN RELATIONS

By: 
Clarence N. Wood, Chairman

Date: July 22, 1998