

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

MAYRA TORAL,	)	
	)	
Plaintiff,	)	Case No.
	)	
v.	)	
	)	Judge
VETERANS ASSISTANCE COMMISSION	)	
OF WINNEBAGO COUNTY; WILLIE	)	Magistrate Judge
BORDEN, JR., in his individual	)	
capacity; and DEBORAH “DEBI”	)	JURY TRIAL DEMANDED
HOOVER, in her individual capacity,	)	
	)	
Defendants.	)	

COMPLAINT

Plaintiff MAYRA TORAL, by her attorney, HAKEEM MUHAMMAD of MUHAMMAD LAW CENTER, complains of Defendants VETERANS ASSISTANCE COMMISSION OF WINNEBAGO COUNTY, WILLIE BORDEN, JR., and DEBORAH HOOVER, and states as follows:

INTRODUCTION

1. Plaintiff Mayra Toral is a Mexican and Latina woman who worked for the Veterans Assistance Commission of Winnebago County (“VACWC”) as a VSO Administrative Assistant from approximately July 2024 until January 29, 2026. Spanish is her first language, and she has severe bilateral hearing loss.

2. This action arises from Defendant Hoover’s discriminatory treatment and discipline of Toral and from the hostile work environment VACWC created and fostered against its Latino employees. VACWC reprimanded and terminated Toral for her use of Spanish, associated Toral’s Spanish language and deafness with incompetence, opposed the communication method Toral

used because of her hearing disability, and minimized her complaints. Borden personally terminated Toral after those complaints and approximately ten minutes after terminating Luz Ortiz-Rivera, the other Latina, Spanish-speaking employee whose use of Spanish in the workplace had drawn management objections. VACWC, through its management and decisionmakers, failed to accommodate Toral's hearing disability and retaliated against her after she complained about race, national-origin, and disability discrimination.

JURISDICTION AND VENUE

3. This Court has federal-question jurisdiction under 28 U.S.C. §§ 1331 and 1343 because Toral asserts claims under the Fourteenth Amendment, 42 U.S.C. § 1983, Title VII of the Civil Rights Act of 1964, and the Americans with Disabilities Act.

4. Venue is proper in this District under 28 U.S.C. § 1391 because the events giving rise to this action occurred in Winnebago County, Illinois.

PARTIES

5. Plaintiff Mayra Toral is an adult resident of Illinois. Toral is Mexican and Latina, Spanish is her first language, and she has severe bilateral hearing loss.

6. Defendant Veterans Assistance Commission of Winnebago County is a governmental entity organized under Illinois law and, at all relevant times, employed Toral.

7. Defendant Willie Borden, Jr. was serving as Interim Superintendent of VACWC when Toral was terminated. Borden acted under color of state law and personally terminated Toral.

8. Defendant Deborah "Debi" Hoover served in VACWC management, including as Executive Assistant and Assistant Superintendent. Hoover acted under color of state law and personally participated in the discriminatory treatment and discipline alleged herein.

FACTUAL ALLEGATIONS

9. VACWC hired Toral in approximately July 2024 as a VSO Administrative Assistant. Her duties included assisting veterans and family members with benefits and services, gathering records and other documentation, scheduling appointments, tracking claims, processing intakes, maintaining correspondence and records, and performing related administrative work.

10. At times, Toral's work required her to learn and use complex Veterans Affairs terminology.

11. Toral is deaf within the meaning of the Americans with Disabilities Act. Her severe bilateral hearing loss substantially limits the major life activity of hearing and makes it difficult for her to understand spoken communication, particularly complex, detailed information.

12. Toral was qualified for her position. Communication in her native language, including occasional translation into Spanish, helped Toral perform the essential functions of her position.

13.

14. Beginning in July 2024, and again on August 9, 2024, VACWC personnel objected to Toral and Ortiz-Rivera speaking Spanish in the office. Julie Weis, a Veterans Service Officer, and Hoover complained to the Superintendent about the women speaking Spanish and questioned whether they should be permitted to do so. Weis insisted that Toral and Ortiz-Rivera stop speaking Spanish.

15. On September 18, 2024, Francesca Montanez, a VACWC Administrative Assistant, mocked Toral's Spanish accent in front of a veteran by ridiculing Toral's pronunciation of "local transportation" and comparing her pronunciation to the Spanish word "loco."

16. On or about August 2024, while Hoover was training Toral, Hoover became aware that Toral was deaf because Toral disclosed her severe bilateral hearing loss to Hoover. Hoover

nevertheless criticized Toral's understanding of her work and suggested that Toral's difficulty was because Spanish was her first language or because she was deaf.

17. After that criticism, Toral met with her direct supervisor and then-Superintendent Jesus Pereira. Toral disclosed her severe bilateral hearing loss to Pereira and explained that, because of her hearing disability and the complexity of Veterans Affairs terminology, communication with Ortiz-Rivera in Spanish helped Toral understand and confirm complex information.

18. Despite that notice, VACWC did not provide Toral the disability-related communication accommodation she had identified. Weis continued objecting to Toral and Ortiz-Rivera speaking Spanish. Hoover also objected to their speaking Spanish and treated Toral's continued use of Spanish with Ortiz-Rivera as incompetence and insubordination rather than as an accommodation for Toral's known disability-related communication limitation.

19. VACWC did not engage Toral in any interactive process to identify an effective accommodation. VACWC did not ask Toral what she needed to understand complex information or propose any alternative communication method. Instead, VACWC personnel objected to Toral and her co-worker Ortiz-Rivera speaking Spanish, even though that Spanish-language communication assisted Toral with her hearing loss. VACWC's objections to Toral's use of Spanish caused the interactive process to break down.

20. Toral complained to her direct supervisor, Superintendent Jesus Pereira, that VACWC personnel were objecting to her speaking Spanish with Ortiz-Rivera, treating her use of Spanish as evidence that she was incompetent or insubordinate, and disregarding her explanation that Spanish-language communication with Ortiz-Rivera helped her understand complex information because of her severe hearing impairment.

21. Toral also complained that employees mocked her Spanish accent, including when she spoke English, and that she was being treated differently because of her Mexican and Latina identity, Spanish language and accent, and hearing disability.

22. After Pereira left VACWC, Toral continued complaining to Hoover and later to VACWC leadership, including Superintendent Timothy Hotchkiss, whom VACWC hired approximately three to four months after Pereira left, Board President Erick Willard, and Board Vice President Nancy Clark. Through those complaints, VACWC had actual notice that Toral was opposing national-origin, ancestry, and disability discrimination.

23. Despite that actual notice, VACWC did not take reasonable corrective measures sufficient to stop the discriminatory treatment. Hoover personally minimized Toral's complaints and continued objecting to Toral's Spanish-language communication, even though Toral needed Spanish-language explanation to understand complex Veterans Affairs terminology. VACWC, as Toral's employer, continued refusing to provide that accommodation.

24. In approximately December 2025, after Toral had complained to Pereira, Superintendent Hotchkiss, Hoover, and VACWC leadership, Hoover personally issued Toral written discipline accusing her, among other things, of insubordination. Hoover's discipline followed Toral's protected complaints and treated Toral's continued use of Spanish with Ortiz-Rivera as misconduct rather than as the disability-related communication accommodation Toral had requested. Toral disputed and appealed the discipline.

25. On January 29, 2026, Borden personally terminated Ortiz-Rivera, a Latina and Spanish-speaking employee whose use of Spanish had also drawn management objections. Approximately ten minutes later, Borden personally terminated Toral. Borden made the decision to terminate Toral after Toral had complained of discrimination and after management had

repeatedly objected to Toral's Spanish-language communications. The near-simultaneous terminations of Toral and Ortiz-Rivera were part of the same discriminatory course of conduct directed at Latina, Spanish-speaking employees.

26. Hoover's decision to discipline Toral was motivated in part by Toral's use of Spanish, her disability-related communication needs, and her opposition to discrimination. Borden's decision to terminate Toral was motivated in part by Toral's Mexican and Latina identity, her use of Spanish and Spanish accent, and her prior complaints of discrimination. VACWC is liable under the federal employment statutes asserted below for the discriminatory and retaliatory employment actions taken by its management and decisionmakers.

COUNT I (42 U.S.C. § 1983 – Equal Protection)

Against Defendants Borden and Hoover

27. Toral incorporates each paragraph of this Complaint as if fully restated here.

28. Toral is Mexican and Latina and is a member of a protected ethnic and national-origin class.

29. Borden and Hoover acted under color of state law.

30. Hoover intentionally treated Toral adversely because of Toral's Mexican and Latina ethnicity and national-origin characteristics, including her use of Spanish and Spanish accent. Hoover objected to Toral's Spanish-language communications, associated Spanish with Toral's alleged inability to understand her work, minimized Toral's complaints, and personally issued the December 2025 discipline.

31. Hoover personally participated in the discriminatory treatment by objecting to Toral's Spanish-language communications, treating Toral's need for communication assistance as incompetence, linking Toral's alleged performance deficiencies to Spanish being her first language or to her deafness, and later disciplining Toral.

32. Borden personally made the decision to terminate Toral on January 29, 2026. Borden did so after Toral had complained of discrimination and approximately ten minutes after Borden terminated Ortiz-Rivera, another Latina, Spanish-speaking employee whose Spanish-language communications had drawn management objections.

33. Hoover acted with discriminatory purpose when she objected to Toral's Spanish, stereotyped Toral as unable to understand her work because Spanish was her first language, and disciplined Toral. Borden acted with discriminatory purpose when he terminated Toral approximately ten minutes after terminating Ortiz-Rivera, after management had objected to both women's use of Spanish and after Toral had complained of discrimination. Borden's termination decision was motivated by Toral's ethnicity and national origin.

34. By their respective acts described above, Hoover and Borden each deprived Toral of the equal protection of the laws guaranteed by the Fourteenth Amendment.

35. As a direct and proximate result, Toral suffered lost wages and benefits, emotional distress, humiliation, loss of dignity, and other damages.

WHEREFORE, Plaintiff MAYRA TORAL respectfully requests that this Court enter judgment in her favor and against Defendants WILLIE BORDEN, JR. and DEBORAH HOOVER, awarding compensatory damages, punitive damages, attorneys' fees, and costs, and any other relief this Court deems just and appropriate.

COUNT II (42 U.S.C. § 1983 – Monell Liability)

Against Defendant VACWC

36. Toral incorporates each paragraph of this Complaint as if fully restated here.

37. Under the Military Veterans Assistance Act, the executive powers of VACWC are vested in its Superintendent, and the Superintendent selects VACWC's employees. 330 ILCS 45/10.

38. When Borden terminated Toral, Borden was VACWC's Interim Superintendent, exercised VACWC's executive powers, and had final policymaking authority for VACWC with respect to the termination of VACWC employees.

39. Borden's decision to terminate Toral, as described above, was a decision of VACWC's final policymaker and constitutes the official policy of VACWC.

40. In addition, from July 2024 through Toral's termination, VACWC management repeatedly objected to Latina employees speaking Spanish in the office and treated that use of Spanish as incompetence and misconduct. VACWC leadership, including Superintendent Hotchkiss, Board President Erick Willard, and Board Vice President Nancy Clark, received Toral's complaints about that treatment, and VACWC did not stop it. That practice was so widespread and well settled that it constituted a custom of VACWC.

41. VACWC's policy and custom described above were the moving force behind the violation of Toral's right to equal protection of the laws guaranteed by the Fourteenth Amendment.

42. As a direct and proximate result, Toral suffered lost wages and benefits, emotional distress, humiliation, loss of dignity, and other damages.

WHEREFORE, Plaintiff MAYRA TORAL respectfully requests that this Court enter judgment in her favor and against Defendant VETERANS ASSISTANCE COMMISSION OF WINNEBAGO COUNTY, awarding compensatory damages, attorneys' fees, and costs, and any other relief this Court deems just and appropriate.

COUNT III (42 U.S.C. § 12112 – ADA Disability Discrimination and Failure to Accommodate)

Against Defendant VACWC

43. Toral incorporates each paragraph of this Complaint as if fully restated here.

44. At all relevant times, VACWC was an employer subject to Title I of the Americans with Disabilities Act.

45. As alleged above, Toral is deaf within the meaning of the ADA, 42 U.S.C. § 12102, and is a qualified individual with a disability under 42 U.S.C. § 12111(8) because, with reasonable accommodation, she could perform the essential functions of her position.

46. During 2024, Toral disclosed her severe bilateral hearing loss first to Hoover and thereafter to Superintendent Pereira. Toral explained to Pereira that she needed effective communication assistance when receiving complex information and that continued communication with Ortiz-Rivera in Spanish was an effective accommodation that enabled her to understand and confirm complex information.

47. By that point, VACWC management had actual knowledge of Toral's disability, her need for accommodation, and the specific communication method that allowed her to perform her work effectively.

48. VACWC nevertheless failed to accommodate Toral. Weis and Hoover continued opposing the Spanish-language communication with Ortiz-Rivera, and Hoover treated Toral's continued reliance on that accommodation as incompetence and insubordination rather than as a disability-related communication need.

49. VACWC failed to engage in the interactive process in good faith and is responsible for its breakdown. Rather than discussing Toral's communication needs with her, VACWC personnel objected to Toral and Ortiz-Rivera speaking Spanish and treated the communication method that assisted Toral with her hearing loss as misconduct. That breakdown resulted in VACWC's failure to reasonably accommodate Toral.

50. After VACWC had actual notice of Toral's disability and accommodation need, Hoover, acting in VACWC management, issued Toral written discipline in December 2025. Borden, acting as Interim Superintendent, terminated Toral on January 29, 2026. VACWC, as Toral's employer, subjected Toral to those adverse employment actions because of her disability, her accommodation need, and her continued use of the communication method VACWC refused to accommodate.

51. VACWC thereby discriminated against Toral because of disability and failed to reasonably accommodate her in violation of the ADA.

52. As a direct and proximate result, Toral suffered lost wages and benefits, emotional distress, humiliation, and other damages.

WHEREFORE, Plaintiff MAYRA TORAL respectfully requests that this Court enter judgment in her favor and against Defendant VETERANS ASSISTANCE COMMISSION OF WINNEBAGO COUNTY, awarding back pay and lost benefits, reinstatement or front pay, compensatory damages, attorneys' fees and costs, and prejudgment interest, and any other relief this Court deems just and appropriate.

COUNT IV (42 U.S.C. § 12203 – ADA Retaliation)

Against Defendant VACWC

53. Toral incorporates each paragraph of this Complaint as if fully restated here.

54. Toral engaged in activity protected by the ADA by informing VACWC of her hearing disability, requesting and explaining the need for effective communication assistance, and complaining that VACWC was treating her disability and requested accommodation as incompetence and insubordination.

55. Hoover knew that Toral had complained about disability discrimination and the denial of accommodation because Toral complained directly to Hoover. VACWC leadership,

including Superintendent Hotchkiss, Board President Erick Willard and Board Vice President Nancy Clark, also received Toral's complaints.

56. After Toral complained about disability discrimination and VACWC's refusal to accommodate her communication needs, Hoover personally issued formal discipline accusing Toral of insubordination. Borden later personally terminated Toral's employment on January 29, 2026. Those management actions constituted adverse employment actions by VACWC.

57. But for Toral's protected activity, VACWC would not have disciplined and terminated her.

58. VACWC thereby retaliated against Toral in violation of 42 U.S.C. § 12203.

WHEREFORE, Plaintiff MAYRA TORAL respectfully requests that this Court enter judgment in her favor and against Defendant VETERANS ASSISTANCE COMMISSION OF WINNEBAGO COUNTY, awarding back pay and lost benefits, reinstatement or front pay, and other equitable relief, attorneys' fees and costs, and prejudgment interest, and any other relief this Court deems just and appropriate.

COUNT V (42 U.S.C. § 2000e-3(a) – Title VII Retaliation)
Against Defendant VACWC

59. Toral incorporates each paragraph of this Complaint as if fully restated here.

60. Toral engaged in activity protected by Title VII when she complained to Superintendent Pereira that VACWC personnel were objecting to her use of Spanish, treating her Spanish-language communications as evidence of incompetence or insubordination, mocking her Spanish accent, and treating her differently because she is Mexican and Latina.

61. After Pereira left VACWC, Toral continued complaining to Hoover, Superintendent Hotchkiss, and VACWC leadership that she was being subjected to discrimination

because of her Mexican and Latina race, ethnicity, and national origin, including discrimination connected to her Spanish language and accent.

62. Hoover knew Toral had opposed race and national-origin discrimination because Toral complained directly to Hoover. VACWC leadership, including Superintendent Hotchkiss, Board President Erick Willard and Board Vice President Nancy Clark, also received Toral's complaints.

63. After Toral made those protected complaints, Hoover personally issued Toral formal written discipline in December 2025. Borden personally terminated Toral on January 29, 2026. Those actions were taken by VACWC management and decisionmakers against Toral in her employment.

64. VACWC disciplined and terminated Toral because she opposed race and national-origin discrimination. Toral's protected opposition was a but-for cause of the adverse actions taken against her.

65. VACWC thereby retaliated against Toral in violation of Title VII, 42 U.S.C. § 2000e-3(a).

WHEREFORE, Plaintiff MAYRA TORAL respectfully requests that this Court enter judgment in her favor and against Defendant VETERANS ASSISTANCE COMMISSION OF WINNEBAGO COUNTY, awarding back pay and lost benefits, reinstatement or front pay, compensatory damages, attorneys' fees and costs, and prejudgment interest, and any other relief this Court deems just and appropriate.

COUNT VI (42 U.S.C. § 1983 – Equal Protection Hostile Work Environment)
Against Defendant Hoover

66. Toral incorporates each paragraph of this Complaint as if fully restated here.

67. Hoover acted under color of state law and personally participated in the discriminatory harassment directed at Toral.

68. The harassment was based on Toral's Mexican and Latina ethnicity and national-origin characteristics, including her Spanish language and Spanish accent.

69. Hoover personally objected to Toral speaking Spanish with Ortiz-Rivera, treated Toral's Spanish language as evidence of incompetence, linked Toral's perceived difficulty understanding her work to Spanish being her first language, minimized Toral's complaints after she objected to the treatment, and later issued Toral formal discipline.

70. Hoover's repeated objections to Toral's Spanish, her stereotyping of Toral's competence based on Spanish being Toral's first language, her minimization of Toral's complaints, and her subsequent discipline of Toral constituted unwelcome discriminatory harassment that was sufficiently severe or pervasive to alter the conditions of Toral's employment and create a hostile or abusive working environment.

71. Hoover thereby deprived Toral of the equal protection of the laws guaranteed by the Fourteenth Amendment.

WHEREFORE, Plaintiff MAYRA TORAL respectfully requests that this Court enter judgment in her favor and against Defendant DEBORAH HOOVER, awarding compensatory damages, punitive damages, attorneys' fees, and costs, and any other relief this Court deems just and appropriate.

COUNT VII (42 U.S.C. § 12112 – ADA Hostile Work Environment)
Against Defendant VACWC

72. Toral incorporates each paragraph of this Complaint as if fully restated here.

73. Toral is an individual with a disability within the meaning of the ADA because her severe bilateral hearing loss substantially limits the major life activity of hearing.

74. VACWC knew of Toral's hearing disability, knew that she required effective communication assistance to understand complex information, and knew that Spanish-language communication with Ortiz-Rivera was an effective accommodation.

75. Hoover, while serving in VACWC management, opposed Toral's Spanish-language communication with Ortiz-Rivera, treated Toral's continued reliance on that communication method as evidence that she was incompetent or insubordinate, and expressly linked Toral's perceived difficulty performing her work to the fact that Toral was deaf. Weis separately objected to Toral speaking Spanish with Ortiz-Rivera.

76. The disability-based harassment, together with VACWC's continued opposition to the communication method Toral used to understand complex information after management knew of her disability, subjected Toral to unwelcome harassment because of disability that was sufficiently severe or pervasive to alter the conditions of her employment and create a hostile or abusive working environment.

77. Pereira learned of Toral's disability and communication needs when Toral disclosed them to him. Hoover independently knew of Toral's disability because Toral had disclosed it to Hoover during training, and Hoover later received Toral's complaints. Superintendent Hotchkiss, Board President Erick Willard and Board Vice President Nancy Clark also received Toral's complaints. Despite that management notice, VACWC did not take reasonable corrective measures sufficient to stop the disability-based treatment. Hoover instead continued the challenged conduct and later disciplined Toral.

78. VACWC thereby subjected Toral to a hostile work environment because of disability in violation of the ADA.

WHEREFORE, Plaintiff MAYRA TORAL respectfully requests that this Court enter judgment in her favor and against Defendant VETERANS ASSISTANCE COMMISSION OF WINNEBAGO COUNTY, awarding back pay and lost benefits, reinstatement or front pay, compensatory damages, attorneys' fees and costs, and prejudgment interest, and any other relief this Court deems just and appropriate.

JURY DEMAND

Plaintiff MAYRA TORAL demands a trial by jury under Federal Rule of Civil Procedure 38(b) on all issues so triable.

Respectfully submitted,

MAYRA TORAL

By: /s/ Hakeem Muhammad
Attorney for Plaintiff

Hakeem Muhammad
Muhammad Law Center
332 South Michigan Avenue, Suite 121, No. 5379
Chicago, Illinois 60604
Telephone: (504) 400-9598
Email: hakeem@muhammadlawcenter.com
ARDC No. 6343978