NONPRECEDENTIAL DISPOSITION
To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

Submitted November 18, 2025*
Decided December 5, 2025

Before

DAVID F. HAMILTON, *Circuit Judge*

AMY J. ST. EVE, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

No. 25-1183

ANDREW E. SCROGGIN,
Plaintiff-Appellant,

v.

UNIVERSAL PROTECTION SERVICE, LLC, d/b/a ALLIED UNIVERSAL SECURITY SERVICES,
Defendant-Appellee.

Appeal from the United States District Court for the Central District of Illinois.

No. 1:24-cv-01270-JEH

Jonathan E. Hawley,
Judge.

O R D E R

Andrew Scroggin, a security guard, appeals from the district court's judgment on the pleadings in this suit alleging retaliation under the Americans with Disabilities Act. *See* 42 U.S.C. § 12203(a). The court entered the judgment because Scroggin failed to

* The panel granted the parties' joint motion to waive oral argument per Federal Rule of Appellate Procedure 34 and Circuit Rule 34(e). App. Dkt. 17, 18.

exhaust his administrative remedies by not giving adequate notice of the nature of his claim to his former employer Universal Protection Service, LLC. We affirm.

We take the following facts from Scroggin's complaint, accept them as true, and draw all reasonable inferences in his favor. *Chaidez v. Ford Motor Co.*, 937 F.3d 998, 1004 (7th Cir. 2019). In November 2021, Scroggin contracted with Universal to provide security services at State Farm Mutual Automobile Insurance Company in Bloomington, Illinois. In August 2022, he applied for a position with a police department, listing as a professional reference his supervisor at Universal, Rick Wiseman.

Wiseman, when contacted by a detective with the police department, gave a negative reference for Scroggin, stating that he had "mental problems" and wanted to work only from home. Scroggin does not suffer from any mental health problems and did not get selected for the position.

Scroggin met with Wiseman in September 2022 and complained that Wiseman's comment to the detective about his mental state was discriminatory. Shortly after meeting with Wiseman, Scroggin was demoted and his pay was reduced from $20 per hour to $16 per hour.

In January 2023, Scroggin, assisted by counsel, filed a charge of discrimination with the Illinois Department of Human Rights that was cross-filed with the Equal Employment Opportunity Commission. The heading of Scroggin's charge read "Complaint of Sexual Orientation Discrimination," and the allegations contained just four sentences:

1. Scroggin was formerly employed by Universal.

2. Scroggin engaged in protected activity on September 30, 2022, and Universal was aware of his protected activity.

3. On October 4, 2022, Scroggin was notified that he was being demoted and that his wages were being decreased.

4. The reason that Scroggin was demoted and had his wages reduced was because of retaliation in violation of both the Illinois Human Rights Act and Title VII of the Civil Rights Act of 1964.

The EEOC's Notice of Charge Discrimination specified (through a checked box) that the charge was being brought under "Title VII of the Civil Rights Act." Notably, no similar marking appeared next to the entry for "The Americans with Disabilities Act." Elsewhere on the Notice, under a category labeled "Circumstances of Alleged Discrimination," only the box for "Retaliation" was checked. The EEOC later issued a right-to-sue letter.

In June 2023, the Illinois Department of Human Rights (IDHR) investigated Scroggin's allegations and concluded that there was a lack of substantial evidence. According to the IDHR's Investigation Report, Scroggin told the investigators that he had engaged in a protected activity when he emailed Human Resources to complain about Wiseman's negative professional reference. But the IDHR found that Scroggin's email to Human Resources did not mention any basis protected by the Illinois Human Rights Act. The IDHR determined that the detective's statement—that Wiseman had told him that Scroggin "had issues"—was vague and ambiguous "and not the same as stating [Scroggin] has mental issues or has a mental disability."

Scroggin then sued Universal for retaliating against him based on his opposition to a "practice that is unlawful under the ADA." Scroggin identified the protected activity as his September 2022 meeting with Wiseman during which he complained about disability discrimination. Universal then moved for judgment on the pleadings, arguing that Scroggin failed to exhaust his administrative remedies because his charge alleged only retaliation in violation of Title VII.

The district court granted Universal's motion under Federal Rule of Civil Procedure 12(c). The court explained that Scroggin failed to exhaust his administrative remedies because the charge he filed with the IDHR did not put Universal on notice that he was pursuing a claim under the ADA. If the charge had indicated retaliation in violation of the ADA, noted the court, IDHR's investigation and Universal's defense might have proceeded very differently. The court dismissed Scroggin's complaint with prejudice because Scroggin no longer could refile his complaint as a Title VII case within the applicable limitations period, and equitable tolling of the limitations period was not warranted.

Before bringing either a Title VII or ADA claim in federal court, a plaintiff must first exhaust his administrative remedies by filing charges with the EEOC and receiving a right-to-sue letter. *Chaidez*, 937 F.3d at 1004 (Title VII); *see also Riley v. City of Kokomo*, 909 F.3d 182, 189 (7th Cir. 2018) (ADA). The purposes of the exhaustion requirement are

to allow the EEOC and employer an opportunity to settle the matter and to ensure that the employer has adequate notice of the conduct that the employee is challenging. *Chaidez*, 937 F.3d at 1004. A plaintiff may bring only claims that were included in his EEOC charge or claims that are "like or reasonably related" to the allegations in his charge. *Id.* (quoting *Geldon v. South Milwaukee Sch. Dist.*, 414 F.3d 817, 819 (7th Cir. 2005) (internal quotation mark omitted). "Claims are 'like or reasonably related' when (1) 'there is a reasonable relationship between the allegations in the charge and the claims in the complaint,' and (2) 'the claim in the complaint can reasonably be expected to grow out of an EEOC investigation of the allegations in the charge.'" *Id.* (quoting *Cheek v. Western & Southern Life Ins. Co.*, 31 F.3d 497, 500 (7th Cir. 1994)). The charge and complaint must "describe the *same conduct* and implicate the *same individuals*." *Id.* (quoting *Cheek*, 31 F.3d at 501).

Scroggin maintains that his administrative charge and complaint are "like or reasonably related" in terms of content. He argues that both allege the same conduct against the same individual—retaliation he experienced for complaining about comments made by his boss.

This argument is plausible in one respect: the allegations in the charge—if construed generously—could support a claim under the ADA because the charge vaguely alleges retaliation for engaging in a protected activity. Retaliation claims under the ADA and Title VII require similar proof, and here Scroggin alleged that he engaged in a statutorily protected activity and that Universal took an adverse action against him for engaging in that protected activity. *Compare Brooks v. City of Pekin*, 95 F.4th 533, 539 (7th Cir. 2024) (retaliation under the ADA), *with Carlson v. CSX Transp., Inc.*, 758 F.3d 819, 828 (7th Cir. 2014) (retaliation under Title VII).

The charge and complaint here overlap factually, but we uphold the court's order on narrow grounds. The charge, which was filed with counsel's help, did not give Universal adequate notice of the conduct that Scroggin was challenging. While courts must liberally construe the claims in a pro se litigant's EEOC charge, counseled plaintiffs such as Scroggin—and Scroggin was counseled at the time he filed his charge—do not benefit from liberal construction. *Chaidez*, 937 F.3d at 1005 n.3; *see also Teal v. Potter*, 559 F.3d 687, 691 (7th Cir. 2009). Scroggin alleged vaguely that he "engaged in protected activity," but he did not specify what was the protected activity. And when a charge does not specify the protected activity, the charge does not alert the employer to the offending behavior. *See Peters v. Renaissance Hotel Operating Co.*, 307 F.3d 535, 550 (7th Cir. 2002). What's more, Scroggin and his counsel could have

checked the box on the charge form to indicate that he wished to bring a charge of retaliation under the ADA, but they did not. *See id.*; *see also Ajayi v. Aramark Bus. Servs., Inc.*, 336 F.3d 520, 527–28 (7th Cir. 2003) (observing that not only did plaintiff fail to check age-discrimination box on form, but "the charge as a whole … contains no facts that would reasonably alert the EEOC … to the possibility of age discrimination").

Scroggin also argues that the goals of administrative exhaustion are fully met in this case because the IDHR investigated the charge and understood that he was alleging retaliation for his complaint that his supervisor had told a potential employer that he had "mental issues." Based on this understanding, he proposes that the EEOC reasonably could be expected to have uncovered a claim of disability discrimination if it had investigated the charge's allegations of sexual orientation discrimination. *See Chaidez*, 937 F.3d at 1004.

But even if we assume that the EEOC could be expected to have inferred an ADA claim from its investigation into Scroggin's Title VII claim, the charge did not put Universal on notice that Scroggin was alleging a claim under the ADA. In *Geldon v. South Milwaukee School District*, we determined that even if an EEOC investigation could turn up claims that were not included in the charge, the employee did not exhaust her administrative remedies because the charge did not put the employer on notice of her claims. 414 F.3d at 820. Indeed, the purposes of exhaustion would be undermined if a counseled plaintiff like Scroggin could satisfy the notice requirement by making vague allegations in his charge and waiting for the investigation to uncover to the employer the true basis for the claim. Scroggin's charge needed to give notice to Universal before any investigation began because, as the district court concluded, Universal might have defended itself very differently during the investigation if it had known that the charge alleged retaliation under the ADA.

Next, Scroggin argues that the only difference between the charge and the complaint is that they cited different statutes—one cited Title VII and the other the ADA. Any difference between the citations, he says, is a distinction without a difference: both statutes address retaliation for engaging in a protected activity. But omissions in statutory citations are not mere technical defects if the charge does not put the employer on notice about the employee's asserted claims. *See, e.g.*, *Ajayi*, 336 F.3d at 527–28 (employee did not check the box for age discrimination and included no facts that would alert employer to possibility of age discrimination); *Swearnigen-El v. Cook County Sheriff's Dep't*, 602 F.3d 852, 864–65 (7th Cir. 2010) (employee did not check box for retaliation or otherwise signal that action had been taken against him for reasons

other than his race and gender); *Miller v. American Airlines, Inc.*, 525 F.3d 520, 526 (7th Cir. 2008) ("not foreseeable from the allegations made in the charge" that plaintiffs wanted to pursue facial challenge against provision in collective bargaining agreement). Scroggin's charge lacked any facts that would have put Universal on notice that he was pursuing a claim of retaliation for opposing an instance of disability discrimination.

Last, Scroggin argues that the EEOC's right-to-sue letter indicated that he could proceed under the ADA. But the right-to-sue letter expressly states that it was issued "based on the above-numbered charge." The above-numbered charge alleged only retaliation for engaging in protected activity under Title VII. The claims in the charge—not the right-to-sue letter—limit the scope of claims that can be brought in federal court. *See Reynolds v. Tangherlini*, 737 F.3d 1093, 1099–1100 (7th Cir. 2013).

AFFIRMED.