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IN THE
APPELLATE COURT OF ILLINOIS
FIRST DISTRICT

LOUISE DEBERRY,	)	
	)	
Petitioner,	)	
	)	
v.	)	Petition for Review of Order of
	)	Illinois Educational Labor Relations
ILLINOIS EDUCATIONAL LABOR	)	Board
RELATIONS BOARD; VICTOR	)	
BLACKWELL, Executive Director; IELRB	)	No. 2024-CA-0058-C
Members, Steve Grossman, Chad D. Hays,	)	
Michelle Ishmael, IELRB Chairman, Lara D.	)	
Shayne and CHICAGO BOARD OF	)	
EDUCATION,	)	
	)	
Respondents.	)	

JUSTICE HYMAN delivered the judgment of the court.
Presiding Justice Gamrath and Justice Pucinski concurred in the judgment.

ORDER

Held: Affirming Illinois Educational Labor Relations Board's dismissal of unfair labor practice charge under doctrine of *res judicata*.

¶ 1 Petitioner Louise DeBerry, a teacher at Wadsworth Elementary School in Chicago, was suspended without pay, pending dismissal for striking students with a three-foot ruler. DeBerry filed an unfair labor practice charge, claiming her principal coerced students into fabricating

the allegations to harass her into leaving the school for engaging in protected union activity. The Illinois Educational Labor Relations Board dismissed the charge, and we affirmed. *DeBerry v. Illinois Educational Labor Relations Board*, 2021 IL App (1st) 201127-U.

¶ 2 Two years later, DeBerry was terminated for striking the students. On administrative review, DeBerry again argued the principal coached students to make false accusations against her. We held that *res judicata* barred the claim. *DeBerry v. Illinois Educational Labor Relations Board*, 2024 IL App (1st) 232212-U.

¶ 3 DeBerry has now filed another unfair labor practice charge, again claiming Wadsworth’s principal fabricated charges against her and that she was terminated in retaliation for protected union activity. The Illinois Educational Labor Relations Board dismissed the charge based on *res judicata*. We agree and affirm.

¶ 4 Background

¶ 5 DeBerry was a tenured teacher at Wadsworth Elementary School. In 2019, CBOE suspended her without pay pending a dismissal for striking two students with a ruler. DeBerry filed an unfair labor practice charge, alleging that principal Rashid Shabazz coached students to fabricate allegations because of her union activity. After an investigation, the Illinois Educational Labor Relations Board (Board) dismissed the charge. On direct administrative review, this court upheld the dismissal, finding “no evidence” Shabazz “fabricated the allegations against [DeBerry] as a pretext to discipline her in retaliation for engaging in protected activity.” *DeBerry*, 2021 IL App (1st) 201127-U, ¶ 4 (*DeBerry I*).

¶ 6 Meanwhile, after three days of testimony, the hearing officer found cause to dismiss DeBerry. The Board agreed and she was terminated. DeBerry directly appealed arguing, in part, that Shabazz retaliated against her for engaging in protected union activity. This court

confirmed her termination and held that *res judicata* barred her retaliation claim. *DeBerry*, 2024 IL App (1st) 232212-U ¶ 60 (*DeBerry II*).

¶ 7 While her appeal was pending, DeBerry filed another unfair labor practice charge, reiterating that Shabazz had retaliated against her. DeBerry also argued she had not received a fair hearing on her earlier unfair labor practice charge. The Board dismissed DeBerry's charge on *res judicata* grounds because she repeated allegations about Shabazz that the Board had already dismissed. The Board also found that DeBerry was not denied a fair hearing because she had the opportunity but failed to present any evidence to support her retaliation claim.

¶ 8 Representing herself, DeBerry directly appeals to this court, arguing (i) *res judicata* does not apply and (ii) the Board failed to provide her with due process before her termination.

¶ 9 Analysis

¶ 10 Standard of Review

¶ 11 The standard of review depends on whether the issue presented is a question of fact, a question of law, or a mixed question of fact and law. *James v. Board of Education of City of Chicago*, 2015 IL App (1st) 141481, ¶ 12. We review the agency's conclusion on a question of law *de novo*. *Id.* We will not disturb factual findings unless they are contrary to the manifest weight of the evidence, meaning that the opposite conclusion is clearly evident. *Id.* A mixed question of fact and law involves examining the legal effect of a given set of facts, and is reviewed under a clearly erroneous standard. *Id.*

¶ 12 The question of whether *res judicata* bars an action presents a question of law, so our review is *de novo*. *Dookeran v. County of Cook*, 2013 IL App (1st) 111095, ¶ 13. We also review *de novo* whether a party's procedural due process rights were violated. *Lyon v. Department of Children & Family Services*, 209 Ill. 2d 264 (2004).

¶ 13

Res Judicata

¶ 14

Res judicata applies when (i) a court of competent jurisdiction entered a final judgment on the merits, (ii) the later action involves the same cause of action, and (iii) the parties or their privies are the same in both actions. *Hudson v. City of Chicago*, 228 Ill. 2d 462, 467 (2008). The doctrine bars matters decided in the earlier action as well as those that could have been decided. *Id.* It also covers administrative decisions judicial in nature. *Dookeran v. County of Cook*, 2013 IL App (1st) 111095, ¶ 23.

¶ 15

All three requirements for *res judicata* have been satisfied. *DeBerry I* involved a final judgment on the merits. The parties are the same. As for identity of causes of action, “separate claims will be considered the same cause of action for purposes of *res judicata* if they arise from a single group of operative facts, regardless of whether they assert different theories of relief.” *Sciarrone v. Village of Island Lake*, 2025 IL App (2d) 240153, ¶ 58. DeBerry’s current charge and her 2019 charge arise from the same operative facts: the decision to discipline her for striking students in May 2018, and her contention that Shabazz coached students to fabricate the allegations. Thus, as we found in *DeBerry II*, DeBerry’s claims are barred by *res judicata*, because we already considered and rejected them in *DeBerry I*.

¶ 16

DeBerry contends we should not apply *res judicata* because (i) the Chicago Board of Education provided false information or concealed information from the Board in her 2019 unfair labor practice charge, (ii) the Board executive director exceeded his authority by raising *res judicata* on his own, and (iii) the Chicago Board of Education filed amended dismissal charges in 2020 that included a “stale” allegation regarding a 2015 incident with a student.

¶ 17

Nothing in the record supports DeBerry’s allegation that the Chicago Board of Education falsified or concealed information from the Board. Moreover, this claim is barred by *res*

judicata, as it could have been raised in *DeBerry I. Hudson v. City of Chicago*, 228 Ill. 2d 462, 467 (2008) (*res judicata* “bars not only what was actually decided in the first action but also whatever could have been decided.”).

¶ 18 The Board’s executive director did not raise *res judicata* on his own; the Chicago Board of Education argued DeBerry’s current charge was barred by *res judicata*. Further, nothing in the Administrative Code prevents the executive director from considering charge barred by *res judicata*. See 80 Ill. Admin. Code ¶ 1120.30.

¶ 19 *DeBerry II* addressed the contention that Chicago Board of Education included a stale allegation in its amended dismissal charge, finding that “the hearing officer and Board *** disregarded the 2015 evidence” and based its decision on the May 2018 incident. Thus, this court found “DeBerry has not shown that she was prejudiced by its presentation.” *DeBerry*, 2024 IL App (1st) 232212-U, ¶ 58. *Res judicata* bars DeBerry from relitigating that issue.

¶ 20 Due Process

¶ 21 Finally, DeBerry contends the Chicago Board of Education failed to provide her with due process before terminating her employment. Not so. DeBerry had a hearing before an administrative law judge and this court on her unfair labor charges and the decision to terminate her employment. Further, in *DeBerry II*, this court rejected her due process arguments, and new arguments are barred by *res judicata*, as they could have been raised earlier. *Hudson*, 228 Ill. 2d at 467.

¶ 22 Affirmed.