



U.S. Department
of Transportation
**Federal Highway
Administration**

1200 New Jersey Ave., S.E.
Washington, DC 20590

August 29, 2022

In Reply Refer To: HCR-20
DOT# 2022-0462

(b) (6)

Subject: Transfer of Complaint DOT# 2022-0462

Dear (b) (6)

This letter is in reference to your complaint of discrimination, dated August 14, 2022, which was filed with the Federal Highway Administration (FHWA) Office of Civil Rights. In the complaint, you allege sex discrimination by a Penn Hills DMV employee by treating you differently than other men taking their driving tests.

In your complaint, you describe the treatment you received during your driver's test. Your allegations of discrimination based on sex include examples where the instructor used pronouns inconsistent with your paperwork and appearance, made inappropriate comments during the test, and ultimately failed you because you are a transgendered male.

After careful consideration, the FHWA has determined that it does not have jurisdiction. The issues you raised may be within the jurisdiction of a different agency within the U.S. Department of Transportation. Therefore, we have forwarded your complaint to the U.S. Department of Transportation's Office of Civil Rights for appropriate action.

Please be advised that the FHWA's Office of Civil Rights has a responsibility to investigate individual complaints of discrimination involving violations, under its jurisdiction, of Title VI of the Civil Rights Act of 1964. Title VI prohibits discrimination based on race, color, and national origin under any program or activity receiving Federal financial assistance.

If this office can be of assistance to you in any matter within the FHWA's enforcement responsibility, please contact us at (202) 366-0693, or at the address noted above.

Sincerely,

Nichole McWhorter

Nichole McWhorter
Title VI Program Team Leader
FHWA Office of Civil Rights

cc: Alicia Nolan, Division Administrator, FHWA Pennsylvania Division Office
Keith Lynch, Deputy Division Administrator, FHWA Pennsylvania Division Office
Khan Mitchell, Civil Rights Specialist, FHWA Pennsylvania Division Office
Jim Esselman, Senior Attorney-Advisor, FHWA Office of Chief Counsel
Irene Rico, Associate Administrator, FHWA Civil Rights Office
Irene Marion, Director, Departmental Office of Civil Rights
Yvette Rivera, Associate Director, Equity and Access Division, Departmental Office of Civil Rights
Barbara Dougherty, Deputy Director, Departmental Office of Civil Rights