



U.S. Department
of Transportation
Federal Highway
Administration

1200 New Jersey Avenue, SE.

Washington, DC 20590

OCT 24 2019

In Reply Refer to: HCR-20
DOT# 2019-0306

(b) (6)

Subject: Dismissal of Complaint DOT# 2019-0306

Dear (b) (6)

This letter is to inform you that the Federal Highway Administration (FHWA) Office of Civil Rights has determined that it will dismiss the above complaint, which alleges violations that may be related to Title VI of the Civil Rights Act of 1964, the U.S. Department of Transportation (USDOT) Title VI implementation regulations at 49 C.F.R. Part 21 and/or FHWA's Title VI regulations at 23 C.F.R. Part 200 (hereinafter Title VI). Title VI prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving Federal financial assistance.

To be accepted for investigation, a complaint must meet the jurisdictional requirements provided by 49 C.F.R. § 21.11, as well as the legal standards discussed in the U.S. Department of Justice Title VI Legal Manual. First, complaints must be filed within 180 calendar days of the alleged discriminatory act, unless the time for filing is extended by FHWA. Second, the matters must concern recipients of federal financial assistance for a program or programs authorized under a law administered by FHWA. Finally, the complaint must describe an alleged discriminatory act or acts that, if true, would fall under FHWA's jurisdiction and potentially violate FHWA's Title VI regulations.

You allege that (b) (6) a contractor working for the Alaska Department of Transportation and Public Facilities (ADOT & PF), discriminated against you during your employment with (b) (6) on an ADOT & PF contract. Specifically, you allege (b) (6) employees made disparaging statements regarding your race. In addition, you allege that (b) (6) retaliated against you for filing a complaint with the Alaska Human Rights Commission.

After careful consideration, the FHWA has concluded it will dismiss this complaint. The actions you allege by (b) (6) regard employment issues and do not meet the jurisdictional requirements for a Title VI civil rights claim with the FHWA. For this reason, your complaint will be dismissed by FHWA and closed with no further action.

If you have any questions, please contact Nichole McWhorter at (202) 366-1396.

Sincerely,

Peggie N McWhorter

Nichole McWhorter
Title VI Team Leader
Office of Civil Rights

cc: Sandra Garcia-Aline, Division Administrator, FHWA AK Division Office
Kathleen Graber, Assistant Division Administrator, FHWA AK Division Office
Elizabeth Hoffman, Civil Rights / Realty Programs Specialist, FHWA AK Division Office
Jim Esselman, Senior Attorney-Advisor, FHWA Office of Chief Counsel
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