



U.S. Department
of Transportation
Federal Highway
Administration

1200 New Jersey Avenue, SE.

Washington, DC 20590

JUL 17 2019

In Reply Refer to: HCR-20
DOT# 2019-0172

(b) (6)

Subject: Dismissal of Complaint DOT# 2019-0172

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. Your complaint alleges actions that may be related to discrimination on the basis of sex in violation of Section 324, Title 23 of the U.S. Code, as implemented in the FHWA's regulations at 23 C.F.R. Part 200.

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 sex discrimination regulations.

You allege the Oklahoma Department of Transportation (ODOT) discriminated against you on the basis of sex during the ROW/relocation process. Specifically, you allege that ODOT offered more generous and more fair relocation benefits, as well as less hostile communications to a male business owner than to you regarding your business relocation.

After careful consideration, FHWA has determined the allegations and facts in your complaint do not meet the minimum criteria under which FHWA could establish a case of disparate treatment under 23 U.S.C. § 324. The available data and information show that your business is likely not similarly situated to the business you allege received better treatment. In addition, the available information is insufficient to show contemporaneous statements from decision-makers that expresses a discriminatory motive based on sex. For these reasons, this 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,



Nichole McWhorter
Title VI Team Leader
Office of Civil Rights

cc: Basharat Siddiqi, Division Administrator, FHWA OK Division Office
Louisa Ward, Assistant Division Administrator, FHWA OK Division Office
Steve Duskin, Civil Rights Specialist, FHWA OK Division Office
Jim Esselman, Senior Attorney-Advisor, FHWA Office of Chief Counsel
Yvette Rivera, Associate Director, Equal Employment Opportunity Programs Division,
Departmental Office of Civil Rights
Kevin Resler, National Title VI Program Coordinator, FHWA Office of Civil Rights