

In Reply Refer to: HCR-20  
DOT# 2021-0314

October 4, 2022

(b) (6)

**Subject:** Dismissal of Complaint #2021-0314

This letter is to inform you that the Federal Highway Administration (FHWA) Office of Civil Rights has made a determination pertaining to 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. 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 the Georgia Department of Transportation (GDOT) discriminated against you and your firm on the basis of race. Specifically, you allege that GDOT withheld payment to your firm, did not pay promptly, and that your firm was treated poorly. In addition, you allege that GDOT retaliated against your firm for filing complaints of discrimination against it. 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 or retaliation under Title VI. In addition, you did not respond to FHWA's request for an interview, which was sent via email on August 31, 2022. For these reasons, the complaint will be dismissed by FHWA and closed with no further action.

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

Sincerely,

*Nichole McWhorter*

Nichole McWhorter  
Title VI Team Leader  
Office of Civil Rights

cc: Sabrina David, Division Administrator, FHWA Georgia Division Office  
Dan Hinton, Deputy Division Administrator, FHWA Georgia Division Office  
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