



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

1200 New Jersey Avenue, SE.

Washington, DC 20590

In Reply Refer to: HCR-20
DOT# 2019-0059

JUN 13 2019

Subject: Dismissal of Complaint DOT# 2019-0059

Dear [REDACTED]

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 the Benton-Franklin Council of Governments (BFCG) violated Title VI when it denied your application for a business loan as part of its Microloan Program for Women and Minority-Owned Businesses. Specifically, you allege that, after you were denied a loan, a representative from the BFCG who did not take part in the application denial made racially-insensitive remarks to you. You further allege that the former Executive Director of the BFCG minimized your concerns.

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 Title VI. For this reason, 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: Daniel Mathis, Division Administrator, FHWA WA Division Office
Melinda Roberson, Assistant Division Administrator, FHWA WA Division Office
Jodi Petersen, Civil Rights Program Manager, FHWA WA 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