UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG - 1 2013

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested
Certified Mail#: 7004-1160-0002-3622-8066

In Reply Refer To:
EPA File No: 05R-13-R10

[redacted]
P.O. Box 94614
Seattle, WA 98145

RE: REJECTION OF ADMINISTRATIVE COMPLAINT

Dear Mr. [redacted]

This letter is in response to your correspondence received by the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), on February 7, 2013. Because OCR has responsibility for processing complaints alleging a violation of Title VI of the Civil Rights Act of 1964, as amended (Title VI), 42 U.S.C. §§ 2000d *et seq.,* and EPA's nondiscrimination regulations found at 40 C.F.R. Part 7, we have assumed for purposes of processing your correspondence that this is why you filed the complaint.

Pursuant to EPA's nondiscrimination regulations, OCR conducts a preliminary review of administrative complaints for acceptance, rejection, or referral. 40 C.F.R. §7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in EPA's nondiscrimination regulations. First, it must be in writing. 40 C.F.R. §7.120(b)(1). Second, it must describe an alleged discriminatory act that, if true, would violate EPA's nondiscrimination regulations (*i.e.*, an alleged discriminatory act based on race, color, national origin, sex, age, or disability). *Id.* Third, it must be filed within 180 calendar days of the alleged discriminatory act. 40 C.F.R. §7.120(b)(2). Fourth, it must be filed against an applicant for, or a recipient of, EPA financial assistance that allegedly committed the discriminatory act. 40 C.F.R. § 7.15. (A copy of EPA's nondiscrimination regulations is enclosed for your convenience.)

After careful consideration, OCR has concluded that it cannot accept the complaint for investigation because it does not meet the jurisdictional requirements described in EPA's nondiscrimination regulations. Specifically, OCR was unable to ascertain from your complaint the recipient receiving EPA financial assistance for its programs or activities that you intended to allege was discriminating.[1] Additionally, your

[1] It should be noted that generally the subject matter or issues raised in a Title VI complaint involve one or more statutes that the federal agency, that is, the agency to which the complaint has been sent, has jurisdiction for enforcing.

complaint does not identify the alleged discriminatory act nor does it identify the bases for your potential contention that the challenged action was discriminatory, that is, the act was based on your race, color, national origin, sex, age, or disability. For all these reasons, OCR lacks jurisdiction to investigate the statements in your complaint and must reject the complaint for investigation.

On April 24, 2013, EPA sent you a letter requesting clarification regarding an alleged discriminatory act, as well as the specific dates of any alleged acts of discrimination. EPA also requested that you provide the bases of your complaint (i.e., discriminatory act based on race, color, national origin, sex, disability, age),) and requested that you to submit the information within 15 days of receipt of EPA's letter. The letter of clarification was returned to EPA on May 15, 2013, with the message "Forwarding Order Expired." EPA then attempted to contact you several times via telephone with the contact information you provided in your complaint. Unfortunately, EPA was not successful in contacting you. Because we have not been able to receive the clarifying information needed to process this complaint, it cannot be accepted for investigation.

If you have questions regarding this letter, please contact Ericka Farrell of the OCR External Compliance Program at (202) 564-0717, via electronic mail at farrell.ericka@epa.gov, or by mail at U.S. EPA, Office of Civil Rights, (Mail Code 1201A), 1200 Pennsylvania Avenue, NW, Washington, DC, 20460-1000.

Sincerely,

Vicki Simons
Acting Director

Enclosure

cc: Stephen G. Pressman, Associate General Counsel
Civil Rights & Finance Law Office (MC 2399A)

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EEO Officer, Region X
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