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

JUL 17 2012

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested
Certified Mail#: 7004-2510-0004-2241-5476

In Reply Refer to:
EPA File No.: 06Dr-12-R4

Delner Franklin-Thomas
Director, Birmingham District Office
U. S. Equal Employment Opportunity Commission
Ridge Park Place
1130 22nd Street South
Suite 2000
Birmingham, AL 35205-2886

Re: Referral of Title VI Administrative Complaint

Dear Ms. Franklin-Thomas:

On January 13, 2012, the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) received a complaint from an Alabama resident that he had allegedly been discriminated against by the Alabama Department of Finance, the Alabama Department of Public Health, the Alabama Department of Economic & Community Affairs, the Alabama Department of Human Services, the Alabama State Personnel Department, the Alabama Public Service Commission, and the Alabama Department of Transportation, in 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 implementing Title VI found at 40 C.F.R. Part 7. The complaint alleged that the complainant was fired from a position at the Alabama Public Service Commission on April 9, 2009, based on having a disability and in retaliation for being a whistle-blower about a "pattern of wrongdoings" in several agencies.

OCR's jurisdictional requirements state that to be accepted for investigation the complaint must be filed against a recipient of EPA assistance that allegedly committed the discriminatory act(s). EPA does not provide assistance to either the Alabama State Personnel Department or the Alabama Public Service Commission, and therefore, EPA lacks jurisdiction to investigate these allegations.

In addition, because the allegations in this complaint stem from issues related to employment, we are referring this complaint to your agency for review and action. Copies of the

complaint, the request for clarification, and the complainant's response to the request for clarification are enclosed.

If you have any questions about this matter, please contact Mr. Jonathan Stein of OCR's External Compliance Program, by telephone at (202) 564-2088, by e-mail at Stein.Jonathan@epa.gov, or by mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Ave., N.W., Washington, D.C. 20460.

Sincerely,

Rafael DeLeon

Rafael DeLeon
Director

Enclosure(s)

cc: Alabama State Personnel Department
Ms. Jackie Graham, State Personnel Director
300 Folsom Administration Building
64 North Union Street
Montgomery, AL 36130-4100

Alabama Public Service Commission
Mr. John Garner, Chief Administrative Law Judge
100 North Union Street
RSA Union – Suite 836
Montgomery, AL 36104-3719

Ms. Naima Halim-Chestnut, Title VI Contact, EPA Region 4
1200 Pennsylvania Avenue, N.W.
Mail Code: 1201A
Washington, DC 20460-0002

Ms. Lisa McKinley, Title VI Contact, EPA Region 4
61 Forsyth Street, S.W.
Mail Code: 9T25
Atlanta, GA 30303-8960

Mr. Stephen G. Pressman, Associate General Counsel
Civil Rights and Finance Law Office (MC 2399A)