



OFFICE OF EXTERNAL CIVIL RIGHTS COMPLIANCE

WASHINGTON, D.C. 20460

June 18, 2025

In Reply Refer To:

EPA Complaint No. 02D-25-R3

(b)(6) Privacy, (b)(7)(C) Enf. Privacy

(b)(6) Privacy, (b)(7)(C) Enf. Privacy

RE: Acknowledgement and Rejection of Administrative Complaint

Dear (b)(6) Privacy, (b)(7)(C) Enf. Privacy

This letter serves to notify you that the U.S. Environmental Protection Agency (EPA), Office of External Civil Rights Compliance (OECRC), received your complaint involving the State of West Virginia on May 13, 2025 (Complaint). The Complaint alleges that the State of West Virginia discriminated against you by declining to hire you or contact you for a second interview because of a perceived mental health disability in violation of Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, and EPA's regulation at 40 C.F.R. Part 7. For the reasons described below, OECRC is rejecting the Complaint and administratively closing this matter as of the date of this letter.

Pursuant to EPA's nondiscrimination regulation, OECRC conducts a preliminary review of administrative complaints to determine acceptance, rejection, or referral to the appropriate Federal agency. *See* 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 regulation. First, the complaint must be in writing. *See* 40 C.F.R. § 7.120(b)(1). Second, it must describe an alleged discriminatory act that, if true, may violate EPA's nondiscrimination regulation (*i.e.*, an alleged discriminatory act based on race, color, national origin, sex, age, or disability). *Id.* Third, it must be filed within 180 days of the alleged discriminatory act. *See* 40 C.F.R. § 7.120(b)(2). Finally, the complaint must be filed against an applicant for, or recipient of, EPA financial assistance that allegedly committed the discriminatory act. *See* 40 C.F.R. § 7.15.

In general, OECRC will accept, reject, or refer a complaint after considering jurisdictional factors discussed above. The complaint fails to meet EPA's jurisdictional criteria under the second prong because it is not sufficiently detailed or clear to infer an allegation of discrimination based on disability. *See* 40 C.F.R. § 7.120. It also does not sufficiently identify an applicant for or a recipient of EPA financial assistance under the fourth prong (*i.e.*, only identifying generally the "State of West Virginia" without specifically identifying the state agency allegedly involved in the discriminatory act). In light of the foregoing, and in consideration of the efficient use of EPA resources, OECRC has determined that further investigation of this Complaint is not warranted.¹

EPA's regulation prohibits applicants, recipients, and other persons from intimidating, threatening, coercing, or engaging in other discriminatory conduct against anyone because they have either acted or participated in an action to secure rights protected by the civil rights requirements that we enforce. *See* 40 C.F.R. § 7.100. Any individual alleging such harassment or intimidation may file a complaint with OECRC.

If you have any questions, please feel free to contact Kurt Temple, Senior Advisor, by email at temple.kurt@epa.gov.

Sincerely,

SUSAN PARK Digitally signed by SUSAN PARK
Date: 2025.06.18 09:51:42 -04'00'

Susan Park
Deputy Assistant Administrator
Office of Environmental Justice and External Civil Rights

cc: Catherine A. Libertz
Deputy Regional Administrator
Deputy Civil Rights Official
U.S. EPA Region 3

Allison Gardner
Acting Regional Counsel
U.S. EPA Region 3

¹ *See e.g.*, Case Resolution Manual, Section 1.9, https://www.epa.gov/system/files/documents/2025-01/case-resolution-manual-update_final_jan-2025.pdf ("OECRC may consider, in its discretion, whether accepting the complaint for investigation would be an appropriate use of resources, considering factors including but not limited to the significance of the allegations and strength of evidence presented.").