



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

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

July 28, 2021

In Reply Refer to:

EPA Complaint No.: 02D-21-R3

Ben H. Grumbles
Secretary of the Environment
Maryland Department of the Environment
1800 Washington Blvd
Baltimore, MD 21230
ben.grumbles@maryland.gov

Re: Rejection of Administrative Complaint

Dear Secretary Grumbles:

This letter is to notify you that the Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO) is rejecting the administrative complaint filed against the Maryland Department of the Environment (MDE), which was received by ECRCO on June 1, 2021. The complaint alleges that the MDE discriminated against the Complainant on the basis of disability, sex, and retaliation when MDE terminated the Complainant's employment as of September 28, 2020, in violation of Section 504 of the Rehabilitation Act of 1973 (Section 504.) as amended, 29 U.S.C. § 794, EPA's nondiscrimination regulation, 40 C.F.R. Parts 5 and 7, and Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §§ 1681 *et seq.*, or Federal Water Pollution Control Act Amendments of 1972, Pub. L. 92-500 § 13, 86 Stat. 903 (codified as amended at 33 U.S.C. § 1251 *et seq.* (1972)). After careful consideration, ECRCO has determined that it must reject this complaint.

Pursuant to EPA's nondiscrimination regulation, ECRCO 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 the 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 the 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.


During a meeting on June 15, 2021, ECRCO staff explained our jurisdictional review process to the complainant and sought clarification about the allegations raised in the complaint. The Complainant confirmed that the last day of the alleged discriminatory act was on September 28, 2020, when the Complainant's employment was terminated. That is beyond the 180-day timeframe described above. To meet the 180-day timeframe, the complaint with ECRCO must have been filed by March 29, 2021.

In addition, during the meeting and in the complaint, the Complainant stated that he has filed complaints with several entities, including the Maryland Commission on Civil Rights (MCCR) on November 25, and the EEOC. On April 14, 2021 the Complainant received a receipt letter from the EEOC indicating that the complaint was dual filed with both the EEOC and the MCCR. The Complainant confirmed that he has an open complaint with EEOC.

During the meeting, ECRCO explained to the Complainant that complaints of employment discrimination are generally referred to EEOC and he stated that he understood. Give that the Complainant already has a complaint filed with EEOC, and the complaint filed with our office is untimely, we will be taking no further action.

In light of the above, we are closing your complaint with ECRCO as of the date of this letter. If you have questions about this letter, please contact Case Manager Waleska Nieves-Munoz, at (202) 564-7103, via email at nieves-munoz.waleska@epa.gov

Sincerely,



Dale Rhines
Deputy Director
External Civil Rights Compliance Office
Office of General Counsel

Enclosure

cc: Angelia Talbert-Duarte
Associate General Counsel
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Ariadne Goerke
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Paul Leonard
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Alternate Deputy Civil Rights Official
US EPA Region 3

Ben H. Grumbles
Secretary of the Environment

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Cecil Rodrigues
Regional Counsel