



**U.S. Department of
Transportation**

Office of the Secretary
Of Transportation

August 26, 2020

Docket Number 20-0063

Lisa M. Gregory, Chief
Office of Civil Rights, DDOT
55 M St., SE, 3d floor
Washington, DC 20003

Dear Ms. Gregory:

Global Innovations, U.S.A. (GI), timely appeals DDOT's April 3, 2020, DBE decertification on the basis of GI's failure to cooperate. We reverse DDOT's action as inconsistent with applicable rules and unsupported by substantial evidence. See generally 49 CFR sections 26.87, 26.89, and 26.109.

GI contends that DDOT sent its section 26.87(b) notice of intent (dated March 15, 2019) to decertify and its section 26.87(g) notice of decision to an incorrect email address. Information in DDOT's letters (which the appellant provided us) and databases confirms the errors, which result in defective notice and denial of due process. DDOT's further noncompliance, with section 26.89(d), results in there being no substantial evidence that it proved its case. See secs. 26.87(b), (d), (f), (g).

We reverse by the terms of section 26.89(f)(2) and direct DDOT to restore GI's certification immediately, expunge negative references in its public-facing systems, and revise applicable lists and databases to reflect that GI remains a DBE in good standing.

GI should take note that our decision, which is administratively final, turns entirely on DDOT's lapses. It does not affect GI's obligation to make complete and timely section 26.83(j) filings going forward. The responsibility is GI's alone; it is in no way contingent on any DDOT action or inaction. We suggest that GI do whatever it takes to ensure full compliance in future years.

This decision is administratively final.

Sincerely,

Samuel F. Brooks
Team Lead
Disadvantaged Business Enterprise Division

cc: GI

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