



**U.S. Department of  
Transportation**

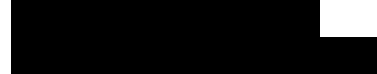
Office of the Secretary  
Of Transportation

Departmental Office of Civil Rights  
1200 New Jersey Avenue, S.E., W76-401  
Washington, DC 20590

December 22, 2020

Docket No. 21-0003

Dennis Haag, CEO  
Strategic Visionary Solutions, LLC



Dear Mr. Haag:

This is in response to your appeal of the denial by the Michigan Department of Transportation (MDOT) of the application of your firm, Strategic Visionary Solutions, LLC (SVS), for certification as a DBE.

Since you are not a member of any of the groups whose social and economic disadvantage is presumed under the Department's DBE regulation, you must show, under the criteria of Appendix E of the regulation, that you are disadvantaged as an individual. See regulation section 26.67(d). To do so with respect to social disadvantage, you must demonstrate (1) you have at least one objective distinguishing feature that has contributed to your social disadvantage, (2) that you have personally experienced substantial chronic social disadvantage in the United States because of that distinguishing feature, and (3) the disadvantage has negatively impacted your entry into or advancement in the business world. The sole issue in the case is whether you have carried this burden of proof.

You are a veteran with a 20 percent disability rating from the Department of Veterans Affairs (VA). This at least arguably meets the first criterion. But evidence that you meet the other two criteria is scant. You assert that in your first job after your retirement from the military, with the Science Applications International Corporation (SAIC), you were offered a lower salary than you might have had if you had not had service experience. This, however, is not an assertion that you received a lower salary on the basis of disability, as distinct from military service itself. You also said that you had to pay more for health insurance as the result of your disabled veteran status.

Your resume shows that you have a bachelor of science degree and two masters degrees, as well as progressively responsible jobs, following your stint at SAIC, with PEO CS & CSS and Merrill Technologies Group. You then created SVS. You are a member of several professional associations. These facts are not consistent with a claim of substantial chronic social disadvantage because of your disability or that such disadvantage has negatively impacted your entry into or advancement within the business world.

The Department's DBE program is governed by the DBE regulation and the statutes authorizing it. Statutes affecting other Federal programs, state statutes pertaining to state programs, and proposed legislation in Congress do not change the requirement that someone seeking to be regarded as disadvantaged on an individual basis must meet the criteria of Appendix E. Based on our review of the record, we have determined that MDOT had substantial evidence to find that you did not meet your burden of proof with respect to these criteria. Consequently, we affirm MDOT's decision.

This decision is administratively final and not subject to petitions for review.

Sincerely,

Samuel F. Brooks  
Team Lead  
Disadvantaged Business Enterprise Division

cc: Crystal Griffin