



**U.S. Department of  
Transportation**

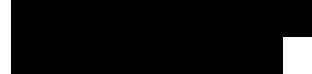
Office of the Secretary  
Of Transportation

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

March 11, 2021

Docket No. 21-0034

Brittany White  
Elite Fleet Hauling, LLC



Dear Ms. White:

This is in response to your appeal of the denial by the Missouri Regional Certification Committee (MRCC) of Elite Fleet Hauling, LLC's (EFH) application for DBE certification. The denial was based on ownership and control. This decision focuses on ownership.

MRCC determined that you had not provided documentation to support your claim of a [REDACTED] initial capital contribution to EFH, used to purchase a truck in 2017. According the October 29, 2020, interview by MRCC staff, you said that you had obtained the funds for the purchase from a 401(k) account. MRCC staff asked for documentation of this transaction, which you said you would provide. See transcript pp. 68-69. However, the documentation was not provided.

Your appeal said that MRCC had not given you adequate time to obtain the documentation, which you said they asked for "instantaneously." MRCC issued its denial on November 17, 2020. In our view, expecting an applicant to provide a key piece of financial information within an 18-day period is not unreasonable.

As an applicant, you have the burden of proving that you meet all certification requirements. See section 26.61(b). The absence of evidence concerning your initial capital contribution prevents you from meeting this burden with respect to ownership. For this reason, we conclude that MRCC had substantial evidence to support its decision, and we therefore affirm MRCC's decision. See section 26.89(f)(1).

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

Sincerely,

Samuel F. Brooks  
DBE Team Lead

cc: Francoise Lyles-Wiggins