

DOL Settles Worker's Sexual Orientation, Race Bias Suit

By [Grace Elletson](#) · 2023-05-23 16:30:04 -0400 · [Listen to article](#)

The [U.S. Department of Labor](#) has struck a deal to end a Black, straight worker's lawsuit alleging he was denied a promotion at the DOL because his boss — a member of the LGBTQ community — preferred white and LGBTQ employees, the parties told a D.C. federal court Tuesday.



The DOL and a worker struck a deal to end the worker's suit alleging that the department denied him a promotion because he was Black and straight and that his boss favored white LGBTQ employees. (Photo by Daniel Slim/AFP via [Getty Images](#))

The DOL and Carlton Brown filed a [joint stipulation of dismissal](#) in federal court, alerting the court that they have reached a settlement to end Brown's Title VII suit.

Brown's attorney A. Marques Pitre confirmed to Law360 that his client settled the case for \$123,500, with the promise of a promotion to a higher paid position.

"Obviously, race discrimination has been around for as long as this nation has been in existence, however, now it's apparent that individuals of all sexual orientations could face disparate treatment, and this is something we as a country need to accept and face head-on," Pitre said.

Brown [sued the agency](#) in August 2021. He said he had worked for the DOL's Civil Rights Center for 21 years.

In 2014, a team lead position opened up in the complaint intake team at the Civil Rights Center's Office of External Enforcement after a retirement, Brown said. He took over as acting team lead while the agency looked for a replacement. He applied and said he was subsequently interviewed for the role.

Brown said he had considerable experience for the role through the development and implementation of training he conducted for agency officials to ensure that complaints were processed in compliance with the law.

He said the candidate who was ultimately chosen for the job did not have experience comparable to his own and did not have any experience working for the Civil Rights Center or in a supervisory role. Brown claimed the candidate also wasn't cleared by the DOL's human resources department to be eligible for the role but he was given an interview anyway by his boss's assistant, who was also white and LGBTQ.

Brown said the winning candidate talked up LGBTQ-related issues in his resume, using "LGBT" 11 times and the terms "gay," "lesbian" and "transgender" another three times each in his application. When Brown's boss asked the candidate whether he was transgender, the candidate said the question was inappropriate, according to Brown's suit.

The candidates were given a mock exercise to assess how they would respond to a hypothetical complaint to determine whether it should be accepted or rejected or whether a request for additional information would need to be submitted, Brown said. He said he correctly identified that the hypothetical complaint needed more information.

But Brown's boss found that the candidate with less experience ultimately handled the exercise the best, even though he violated the Civil Rights Center's procedures by accepting the complaint without asking for more information, Brown claimed. Brown said his boss

evaluated the candidate's response to the exercise using her own subjective criteria, not the agency's documented protocols.

Brown also claimed in his suit that his boss never hired nonwhite workers during her tenure and that she had previously dismissed someone as an "angry Black man."

Representatives of the DOL did not immediately respond to requests for comment.

Brown is represented by A. Marques Pitre of [Pitre & Associates LLC](#).

The DOL is represented by Matthew M. Graves, Brian P. Hudak and Erika Oblea of the [U.S. Department of Justice](#).

The case is Carlton Brown v. Martin J. Walsh, case number [1:21-cv-02207](#), in the [U.S. District Court for the District of Columbia](#).

--Additional reporting by Amanda Ottaway. Editing by Khalid Adad.

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Grace Elletson

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