Federal Motor Carrier Safety Administration

CLEARINGHOUSE



SUBMITTING A PETITION FOR DATA REVIEW

DataQs

DataQs is a Federal Motor Carrier Safety Administration (FMCSA) system that allows users to request and track Federal and State data on file with FMCSA. Drivers may use DataQs to file concerns about information reported to the Drug and Alcohol Clearinghouse (Clearinghouse) or monitor the status of a current request for data review (RDR).



What can I do if I believe information has been inaccurately recorded about me in the Clearinghouse? Drivers are permitted to challenge only the accuracy of information in the Clearinghouse reflected in one of the following categories:

- Accuracy of data in driver record
- Actual knowledge violation did not result in a conviction
- Actual knowledge violation did not comply with reporting requirements
- Refusal to test violation did not comply with reporting requirements

Drivers may not use the petition process to challenge the accuracy of test results or refusals.



When can I expect a response to my petition? **Within 45 days** of receiving a complete petition, FMCSA will inform the driver, in writing (email or letter), of its decision to retain, remove, or correct the information in the database and provide the basis for the decision.

A driver may request an expedited review if the inaccuracy is currently preventing him or her from performing his or her job duties per § <u>382.717(e)</u>. FMCSA will respond to expedited reviews within 14 days. Note that the driver must provide evidence (e.g., notice of suspension) in order to request an expedited review.



How can I request a review of Drug and Alcohol Clearinghouse information? Complete the steps below to **create a DataQs account** and **submit a petition** for a review of your Clearinghouse information.



Submitting a Petition for Data Review

Requesting a Review of Drug and Alcohol Clearinghouse Information

Complete the following steps in order to submit your request.

HOW TO CREATE A DATAQs ACCOUNT

Owner-operators (employers who employ themselves as CDL drivers, typically a single-driver operation) will log in to DataQs using their FMCSA Portal account. (Don't have a Portal account? <u>Register for one now</u> and request access to DataQs.) As an owner-operator, the first time you access DataQs you must log in via the <u>FMCSA Portal</u>. Once you have a Portal account that can access DataQs, you can log in using your Portal user ID and password at <u>https://dataqs.fmcsa.dot.gov</u>. Click **Log In** and select **Log in with Portal Credentials**. Enter your **Portal username and password**, and click **Log In**. Then go to the "How to Create a Petition" section on page 4 of this document.

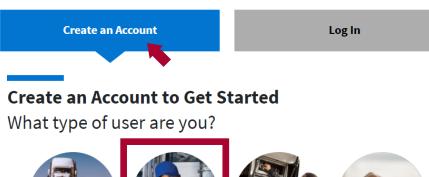
ACCESS DATAQs WEBSITE

If you are a CDL driver or an authorized driver representative and are new to DataQs, you will need to create a DataQs account.

Go to <u>https://dataqs.fmcsa.dot.gov</u>. Select **Create an Account** and

click the driver image to register for a DataQs account.

If you already have a DataQs account, select **Log In**, enter your credentials, and go to the "How to Create a Petition" section on page 4 of this document.





Motor Carrier You must initially access DataQs through your FMCSA Portal account if you have not before.



FMCSA/State Partner Vou must initially access DataQs through your FMCSA Portal account if

you have not before.



Public/Industry Create a DataQs account to log in.

ENTER PERSONAL

Enter your information. All fields marked with an asterisk (*) are required. When you have finished entering your information, click **Next**.

Create your DataQs Account Profile

to log in.

If you have previously signed up for a DataQs account or a Portal account, go back and log in with your username and password. To sign up for a DataQs account, you must create a user profile by providing the information requested below. However, if you are a motor carrier user, including IEPs registered as a motor carrier and owner/operators, then you must sign up for an FMCSA Portal account and request the DataQs role. Providing false or wrongful information may result in termination of your account. You can view the Federal Motor Carrier Safety Administration's (FMCSA) full privacy at http://www.dot.gov/privacy.html.

Fields marked with an asterisk (*) are required

Account Information What type of user are you?

Contac First Na

⊙ Wo Teleph

If you are a motor carrier, IEPs registered as a motor carrier, or an owner/operators, then you must sign up for an FMCSA Portal account and request the DataQs role.

t Information Add		
me* Middle Name Last Name* Com	npany Name	
Addr		Country* United States 💙 Code*

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Suggestions

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Submitting a Petition for Data Review

ENTER ACCOUNT DETAILS

Enter the username, password, and email address you wish to use for your DataQs account. Select the security identification questions you wish to use and enter the answers. When you are finished, click Submit.

Create your DataQs Account Profile

If you have previously signed up for a DataQs account or a Portal account, go back and log in w profile by providing the information requested below. However, if you are a motor carrier user, an FINCSA Portal account and request the DataQs role. Providing false or wrongful information Administration's (FMCSA) full privacy at http://www.dot.gov/privacy.html.	including IEPs registered as a motor carrier and owner/operators, then you must sign up for
Fields marked with an asterisk (*) are required.	
Security Information	Account Recovery Information
Username*	E-mail*
Password*	Confirm E-mail*
Confirm Password*	Security Question*
	Suggestions 🗸

Security Answer*

Security Question 2*

Security Answer 2*

Passwords are cAsE sEnSiTiVe and must contain:

• at least 12 and less than 50 characters

a teast i unimber at least i unimber at least i UPPER case letter at least i lower case letter at least i special character from this list: !@#\$%%^&^()_+};;?/.



4	ACCESS LOGIN PAGE Click Continue to Login Page to access your DataQs profile.	User account created Your account has been successfully created.	
5	ENTER DATAQs CREDENTIALS Under Log In with DataQs	Create an Account	Log In
	Credentials , enter your username and password and click Log In .	Log In to Get Started	
		Log In with DataQs Credentials Username	Log In with Portal Credentials
		Enter name here Password Enter password here	
		Need help logging in? Not sure which account you l	have? Visit the Help Center for more information.





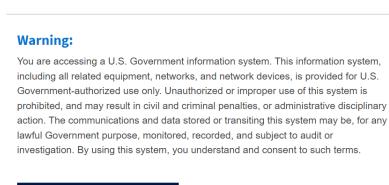
X

LOG IN TO DATAQs

Review the pop-up message and click **Continue With Login**.

DataQs

CONTINUE WITH LOGIN



Cancel

HOW TO CREATE A PETITION

START NEW REQUEST FMCSA Search FMCSA Website Q Log in to DataQs. On the View profile homepage, click Start a Data Qs Home My DataQs Help Cent New Request. Welcome to DataQs DEV Ready to get started? Monitor existing requests or submit additional documentation by visiting My DataQs. **About DataQs REQUEST DATA REVIEW** Request a Data Review (RDR) or a Copy of a Report Select Drug & Alcohol What is your request about? Choose one **Clearinghouse Violation Petition** and click Next. Registration (MCS-150), L&I, Operating Authority (OP-1, OP-2) Household Goods (HHG) Crash, Inspection, Investigation, or Audit Drug & Alcoho ringhouse Violation Petition Complaint 0 • • • se types include You will be able to identify the reasons for your request in a future step. You may not use this petition to challenge the accuracy of test results or refusals. See §382.717 for details on acceptable reasons for a petition. bmit a petition to contest the accuracy of data in the Clearinghouse Cancel

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Submitting a Petition for Data Review

CHOOSE REASON (2)3 4 FOR REQUEST Select the reason you would Choose reason for your request Complete request details est a Data v your request be submitting to FMCS/ like FMCSA to review your Choose the reason for your request Clearinghouse information and click Next. See § 382.717 for details on acceptable <u>a</u> a reasons for a petition. Challenging the accuracy of formation reported to the Drug and Alcohol Clearinghouse Violation entered by employer, as a result of traffic citation, did not result in a conviction edge violation did Refusal to test violation did not Actual know not comply with reporting requirements comply with reporting requirements You may not use this • • • 0 petition process to challenge the accuracy of r § 382.717, petitioners may challenge only the accuracy of information reported to the Drug and Alcohol Clearinghouse. You may not use this petition to challenge the test results or refusals. accuracy of test results or refusals. Cance COMPLETE REQUEST DETAILS 3 (~ 4 Fields marked with an asterisk (*) are required. your request be mitting to FMCSA **Complete request details** Α You have selected: Challenging the accuracy of information reported to the Drug and Alcohol Clearinghouse Fields marked with an asterisk (*) are required. Type of submitter* Enter your information. ~ If you are an authorized driver representative, enter the CDL Driver Information as Appears in the Clearinghouse CDL Driver License Inform ation as Appears in the Clearinghouse First Name Middle Name Last Name License Number* Country* information about the CDL United States ~ < driver on whose behalf you Mailing Address* are submitting this petition. Mailing Address 2 Country* United States ~ Mailing State Mailing Zip* Mailing City ~ Email В 382.717(e) Request

Indicate if this is a 382.717(e) request. You will be asked if you

have any evidence (e.g., notice of suspension) that the violation in your Clearinghouse record is preventing you from performing safety-sensitive functions.

Select **"Yes"** or **"No"** from the dropdown menu.

Can you provide evidence or other documentation that this violation is preventing you from performing safety-sensitive functions in accordance with \$382.717(e)?*

If you select "Yes," you must upload supporting documentation before submitting your petition to FMCSA.

Submitting a Petition for Data Review



Locate your Clearinghouse

record ID number. This will be listed in your Violation Record in the Clearinghouse.

Enter the Clearinghouse record ID number and the reason for the petition and click **Add record to petition**. If you want to enter more than one record ID number, enter each separately. Make sure to provide adequate details of the reason for your request.

Your entered record(s) will display below. If you need to remove a record, click the \mathbf{X} icon.



SUBMIT DOCUMENTATION Attach supporting documents.

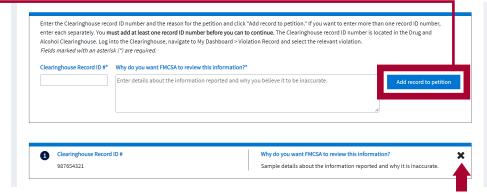
Enter a file title or select an option from the dropdown menu. Locate the file to upload and click **Add File**. Repeat this process for each supporting document. All uploaded documents will appear to the right.

You must include documentation to support your petition. You can upload documentation on this

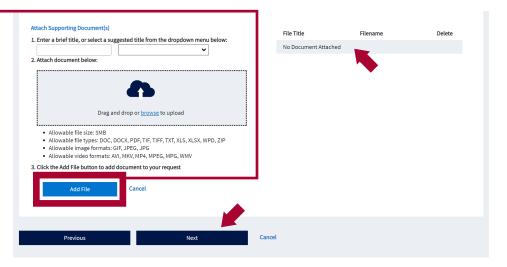
screen, or you can save a draft of your request and upload your documents later, go to the "Edit a Saved Draft" section on page 9 of this document to learn more. You also have the option to fax in documentation using a fax cover sheet (see page 9 of this document).

If applicable, include evidence that the violation in your Clearinghouse record is preventing you from performing safety-sensitive functions.

When you are finished, click Next.



You must add at least one Clearinghouse record ID number in order to complete your petition. Otherwise, no information will be saved.



You must provide evidence to support your claim that information recorded in your Clearinghouse record is inaccurate. If you fail to provide sufficient evidence, your petition will be closed with no further action taken.



Submitting a Petition for Data Review



REVIEW DRAFT PETITION	Request a Data Review	Choose reason for your request	Complete request details	Review your request
SAVE A DRAFT f your information is not yet complete, DataQs prompts you to save your draft petition	Review your requered of the second of the se	re it is accurate. If you have edits, use the "P		before submitting to FMCSA
you to save your draft petition and complete it at a later date. Review the information you entered; check the box to certify your information is true, accurate, and complete; and click Save Draft . If you are unable to submit your petition due to missing supporting documentation, you can save the current draft of your petition and upload or	Type of submitter: Driver Driver Information First Name: Sample Middle Name: Last Name: Driver Mailing Address 2: Country: US Mailing City: Cambrudge Mailing State: MA Mailing Zip: 12345 Phone: 123-456-7890		CDL Driver License Information as Appea License Number: 12345678 Country: US State: MA	rs in the Clearinghouse
	Email: 382.717(e) Request Can you provide evidence or other documentation that this violation is preventing you from performing safety-sensitive functions in accordance with § 382.717(e)?: Yes			
x documentation at a later me. If you need instructions on ubmitting your documentation	1 Clearinghouse Record ID # 987654321		Why do you want FMCSA to review this info Sample description	rmation?
a fax, see page 9 of this ocument.	Supporting Document(s) File Title No Document Attached		Filename	
L	Caution: Company officials will be noti Warning: Any intentionally false or misl	fied of any requests related to their USDOT N eading statement, representation, or docum	I am submitting in support of this request are, to t Number if they have a validated DataQs acccount. nent that you provide in support of this DataQs req or those than 5 years, or both (18 United States Cod	uest may subject you to prosecution for

Note: You are currently unable to submit your petition as it is missing supporting documentation. As a result, you may save a draft of your petition and upload or fax in your documentation at a later time. Your petition will NOT be reviewed until it is successfully updated with supporting documentation

Submitting a Petition for Data Review



SUBMIT A PETITION

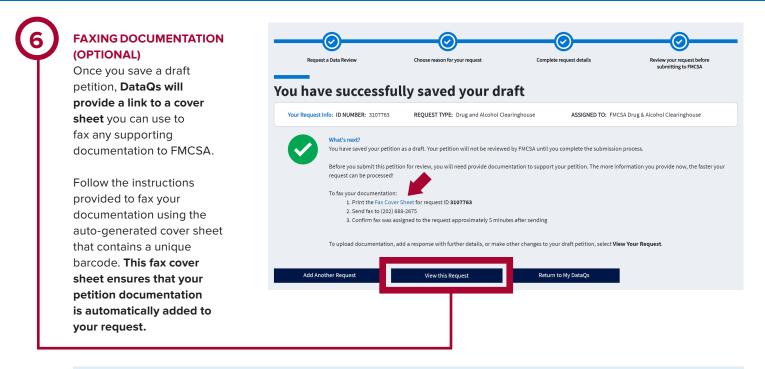
В

A complete petition will display a "Submit" button instead of a "Save Draft" button. If you are ready to submit your petition to FMCSA, review the information you entered and **check the box** to certify your information is true, accurate, and complete. Click **Submit** and skip to page 13 of this document.

CDL Driver License Information License Number: 12345678 Country: US State: MA	n as Appears in the Clearinghouse
tion that this violation is preventing you from performing safety-sensitive funct Why do you want FMCSA to revier Sample description	
Filename Sample Evidence.docx	Delete
	License Number: 12345678 Country: US State: MA

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Submitting a Petition for Data Review



If you do not use the provided cover sheet with the unique barcode your documentation will not be added automatically, and you will have to wait for it to be processed manually before you can submit your petition.

Once you are ready to submit your petition, click View this Request and view the "Edit a Saved Draft" section below.



В

petition is closed.

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Submitting a Petition for Data Review

What would you like to do? (A) TAKE A TOUR In the "List of Reviews Request a Review Add a Request 会 Requested" section, click Details next to the ID number Click "Add a Request" above to request a review of data issued by FMCSA or recorded in an FMCSA system. An "Advanced Form" link is available to users who have submitted at least five requests and provides a streamlined for a petition to review or submission process. revise content. This allows Motor carriers may access their safety data in the following FMCSA systems: you to finalize your draft and Safety Measurement System (SMS) Safety and Fitness Electronic Records (SAFER) System submit your petition to FMCSA Portal website for review. You may also add Drivers may obtain their data through the following FMCSA systems: Purchase commercial driving history from the <u>Pre-Employment Screening Program (PSP</u>) website, or request it through a <u>Freedom of Information Act (FOIA</u>) request (learn more in the <u>Help Center</u>). documentation and driver · Review drug and alcohol program violation information in the Drug and Alcohol Clearinghouse. responses to a previously submitted petition until that 2 Monitor Requests To monitor the status of your request (or add/delete information), select "Details" in the List of Reviews Requested below. Note: Only the requests matching the search criteria above the List of Reviews Requested will be displayed. To Change or modify the search criteria, click on Advanced Search. 0 0 0 0 List of Reviews Requested <u>Open</u> Pending **Closed** Notifications SAVE LAYOUT EXPORT 🔊 Go Advanced Search ID # SEARCH SEARCH CRITERIA: Page 1 of 1, items 1 to 1 of 1. 1 ID # DETAILS **EVENT STATE** STATUS LAST UPDATED түре T T T T T > 3107762 **Details** Save Draft 03/28/2022 Drug and Alcohol Cleari

If you need assistance using the Clearinghouse, visit https://clearinghouse.fmcsa.dot.gov/learn.

Submitting a Petition for Data Review

C	Petition Subm	itter			Edit 🥒
You will be redirected to a summary of the information you have entered so far. Click Add	Type of submitter:	Driver		6	6
Response/Documentation to expand the page.	L CDL Driver Information as Appears in the Clearinghouse View More View More Edit 🤌				
	First Name:	Sample	Middle Name:		
	Last Name:	Driver			
	L CDL Driver Lie	cense Information as App	ears in the Clearinghouse		Edit 🥒
	License Number:	12345678			
	Country:	United States	State:	Louisiana	
	🛱 Explanation of Request for Review of Clearinghouse Information				
	Petition Type: Clearinghouse Recor 987654321		record		
	Reason for petition: 1	est			
	🗳 382.717(e) Requ	lest			Edit 🥒
		ence or other documentation nsitive functions in accordance	that this violation is preventing ce with § 382.717(e)? *	you from Yes	2
	Supporting Do	ocuments			
	No documents have be	en uploaded			
	Response I	List	N 21	Add Response/Doci	umentation 🕤



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Submitting a Petition for Data Review

D

This expanded view provides a comment box for you to insert a required response description to accompany your petition and upload documentation.

You must include supporting documentation to submit your petition.



Uplo	ad Document (optional):
1	Select file to upload: Choose File No file chosen
	Allowable file size: 5MB
	Allowable file types: DOC, DOCX, PDF, TIF, TIFF, TXT, XLS, XLSX, WPD, ZIP Allowable image formats: GIF, JPEG, JPG
	Allowable video formats: AVI, MKV, MP4, MPEG, MPG, WMV
	Enter a brief title, or select a suggested title from the dropdown menu on the right:
2.	Title Suggestion V
2.	
	Click upload Upload
3.	Click upload Upload
3. 4.	

- 2. Send fax to (202) 688-2675 3. Confirm fax was assigned to the request approximately 5 minutes after sending

SUBMIT YOUR PETITION When you are finished,

click Submit.

WARNING:

Any intentionally false or misleading statement, representation or document that you provide in support of this DataQs Request may subject you to prosecution for violation of Federal law punishable by a fine of not more than \$10,000.00 or imprisonment of not more than 5 years, or both. (18U.S.C. 1001)

By clicking "Submit", you certify that the statements and information you are submitting in support of this Request are, to the best of your knowledge, true, accurate, and complete.



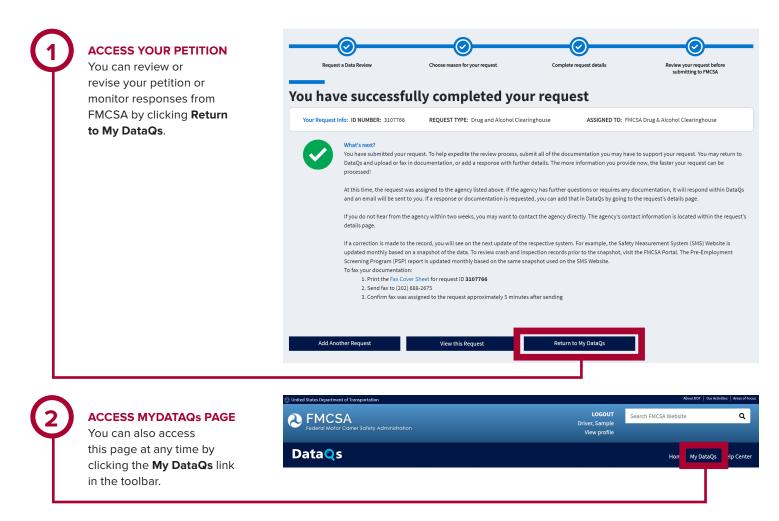
If you need assistance using the Clearinghouse, visit https://clearinghouse.fmcsa.dot.gov/learn.

U.S. Department of Transportation Federal Motor Carrier Safety Administration

Submitting a Petition for Data Review

YOUR REQUEST HAS BEEN SUCCESSFULLY SUBMITTED

Your petition is assigned an ID number for reference. You will receive an email or letter from DataQs after initially submitting your request and another once FMCSA has made its determination. If FMCSA determines that the record needs to be corrected in the Clearinghouse, you will receive a notification from the Clearinghouse once that correction has been made.



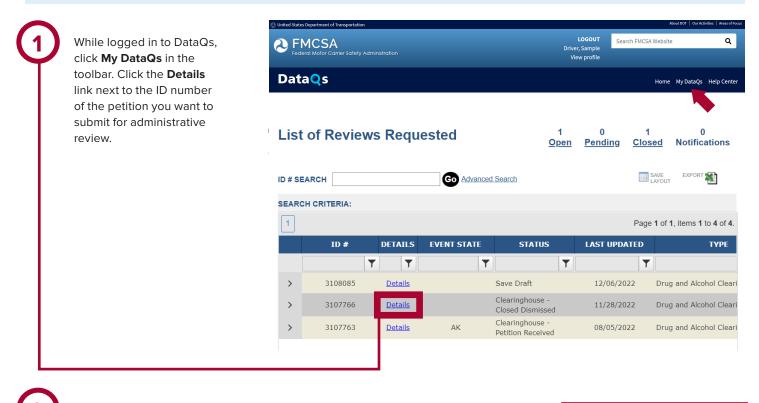
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Submitting a Petition for Data Review

HOW TO REQUEST AN ADMINISTRATIVE REVIEW

If you believe the FMCSA decision in response to your petition was made in error, you can request to have your petition reviewed again. This second review is referred to as the Administrative Review. Note that the decision of the Administrative Review will be considered the final Agency action under 49 CFR § <u>382.717</u>.

As with your initial request, you will receive an email or letter from DataQs after submitting your request for an Administrative Review, as well as another notification once FMCSA has made its determination. If FMCSA determines that the record needs to be corrected, you will receive a notification from the Clearinghouse once that correction has been made.



On the Details page, scroll down and click **Add Response/Documentation**.

Response List



Response Date 11/28/2022 1:19 PM ET

Status Changed to Clearinghouse - Closed Dismissed Status Prior to Response Clearinghouse - Petition

Due to insufficient evidence, FMCSA has determined that information will not be revised or removed from your Clearinghouse record. This petition has been closed. If you have additional documentation to provide, you may submit a new petition.

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Submitting a Petition for Data Review

	Add Response/Documentation			
Check the box next to "I would like to have this request reviewed again." Provide a response to	Fields marked with an asterisk (*) are required. I would like to have this request reviewed again. The response description and any uploaded documents will provide further information to support my request. Note: you can only do this once per request.			
explain your request and upload any supporting documentation.	Response Description* (4000 characters)			
When you are finished, click Submit .				
	Upload Document (optional): 1. Select file to upload: Choose File No file chosen Allowable file size: 5MB Allowable file types: DOC, DOCX, PDF, TIF, TIFF, TXT, XLS, XLSX, WPD, ZIP Allowable image formats: GIF, JPEG, JPG Allowable video formats: AVI, MKV, MP4, MPEG, MPG, WMV			
	2. Enter a brief title, or select a suggested title from the dropdown menu on the right: 3. Click upload Upload Upload			
	 Confirm document is listed in table below Repeat steps 1-4 for each document or continue with submission of your response 			
	To fax your documentation (optional): 1. Print the <u>Fax Cover Sheet</u> for request ID 3107766 2. Send fax to (202) 688-2675 3. Confirm fax was assigned to the request approximately 5 minutes after sending			
	WARNING: Any intentionally false or misleading statement, representation or document that you provide in support of this DataQs Request may subject you to prosecution for violation of Federal law punishable by a fine of not more than \$10,000.00 or imprisonment of not more than 5 years, or both. (18U.S.C. 1001)			
	By clicking "Submit", you certify that the statements and information you are submitting in support of this Request are, to the best of your knowledge, true, accurate, and complete.			
	Submit Submit			