

Date _____

DA Docket Number _____

MEMORANDUM FOR (Name Of Aggrieved)

SUBJECT: Notice of Right to File a Formal Complaint of Discrimination After Mediation Attempt

1. This serves as notice that on (date), mediation was conducted on the claim(s) raised in your pre-complaint, which could not be fully resolved. You initially contacted an EEO official on (date) to initiate the pre-complaint process and, by agreeing to participate in mediation, the pre-complaint processing period was extended to 90 calendar days. As recorded on the pre-complaint intake, you alleged that you were discriminated against on (date of alleged discrimination) because of your (basis/bases) when (frame the claim(s) presented in the pre-complaint intake). (Insert claim(s) that were resolved during mediation, if appropriate.)

2. If you believe that you have been discriminated against on the basis of race, color, religion, sex, national origin, age, mental/physical disability and/or reprisal for participation in protected EEO activity or opposition to prohibited discrimination, you have the right to file a formal complaint of discrimination within **15 calendar days** of receipt of this notice.

3. This complaint must be in writing, preferably on a DA Form 2590-R, which is provided for your convenience. Your complaint must be filed in person by you or your attorney, if retained, or by mail to any of the officials listed below. If you file your complaint with one of the officials listed below, other than the EEO officer, it will be sent to the EEO officer for processing. Therefore, it is recommended that your complaint be filed with the EEO officer to ensure the most expeditious processing.

a. Equal Employment Opportunity officer
(Provide name and address)

b. Activity commander
(Provide name and address)

c. Department of Army, Director of Equal Employment Opportunity
ATTN: SAMR-EOCCA
1941 Jefferson Davis Highway, Suite 109B
Arlington, VA 22202-4508

d. Secretary of the Army
ATTN: SAMR-EOCCA
1941 Jefferson Davis Highway, Suite 109B
Arlington, VA 22202-4508

4. The formal complaint must specify the claim(s) and the basis/bases of the complaint raised during the ADR session(s). It is important that you state the incident(s) that caused you to initiate your complaint as concisely as possible, citing the nature of the action, the date of the action, and the person(s) involved. You may only raise those claim(s) and incident(s) discussed, or like or related to those discussed, during ADR. The complaint should also state whether you have filed a grievance under a Negotiated Grievance Procedure or an appeal to the Merit System Protection Board, on the same subject matter, including dates. This information is necessary to determine whether your complaint is appropriate for processing under Title 29, Code of Federal Regulations, Part 1614.

5. If you retain an attorney or any other person as a representative, you must immediately notify the EEO officer, (name and address), in writing of the name, address, and telephone number of your attorney or representative. You are advised that:

a. Unless you state otherwise in writing, after receipt of written notice of the name, address, and telephone number of your representative, service of all documents will be with the representative, with a copy furnished to you.

b. If your representative is an attorney, service of all official correspondence will be made on the attorney with a copy furnished to you, however, time frames for the receipt of correspondence will be computed from the date of receipt by the attorney.

6. Should you decide to file a formal discrimination complaint, you and/or your representative will receive a written acknowledgement of receipt of the complaint from the EEO officer.

Signature block EEO officer or EEO office representative, as appropriate

IF NOTICE PRESENTED IN PERSON, INCLUDE THE FOLLOWING:

Signature of Aggrieved

Date Received by Aggrieved:

Signature of Representative (if applicable)

Date Received by Representative

Figure 3-4 Sample Notice of Right to File a Formal Complaint of Discrimination After Mediation Attempt