

Name of complainant/attorney representative

Address of complainant/attorney representative

City, State, Zip Code

Complaint of

First, middle initial, and last name of complainant

v. , Secretary of the Army

Name

DA Docket Number(s):

Dear :

Please be advised that the investigation pertaining to subject complaint(s) of discrimination filed on has been completed. In accordance with Title 29, Code of Federal Regulations Section 1614.108(f), you are hereby provided a copy of the investigative file. This investigative file does not constitute a final Army decision on your (your client's) complaint. Its primary purpose is to develop the facts of the case and provide the basis for deciding this complaint.

You (You, on behalf of your client,) have 30 calendar days from your receipt of this notice to request either a hearing before an Equal Employment Opportunity Commission (EEOC) administrative judge or a final Army decision based on this record. If you (your client) elect(s) a hearing before an EEOC administrative judge, the enclosed Request for a Hearing must be sent directly to [insert name and address of EEOC field/district office]. A copy of the Request for a Hearing must be provided to the undersigned. In or attached to the hearing request to the EEOC, you must certify that a copy of the hearing request form was served on the EEO officer, including the date and method of service.

If you (you, on behalf of your client,) request an EEOC hearing, an EEOC administrative judge will be appointed to hear the case. The administrative judge may make a determination that there are no issues of material fact and issue a final decision without holding a hearing. Should the administrative judge make such a determination on his or her own initiative, you will be notified and provided an opportunity to respond in writing within 15 calendar days of receipt of the notice. If a hearing is to be conducted, the date and time of the hearing will be determined by the administrative judge. The administrative judge will hear the case, make a final decision on the complaint subject to final action by the Army, including appropriate remedies and relief where discrimination is found, within 180 calendar days of EEOC's receipt of your request for a hearing unless the administrative judge makes a written determination that good cause exists for extending the time for issuing a decision on the complaint. The administrative judge will provide you (and your client) with a copy of the hearing record, including the transcript and the decision. The Army will then consider the administrative judge's decision and issue a final Army action.

Should you (you, on behalf of your client,) decide not to request an EEOC hearing, you may request a final Army decision on the merits of the complaint by returning the enclosed Request for a Final Army Decision to the undersigned within 30 calendar days of your receipt of this notice. The Army will have 60 calendar days from the date of receipt of your request to review the case file and to issue the final Army decision. If you do not respond within 30 calendar days of receipt of this letter, the Army Director of EEO, or designee, will render a decision on the record as it stands.

Sincerely,

Signature block of EEO officer or appropriate official

Enclosures

Copy Furnished:

Complainant, if represented by an attorney; or

Non-attorney representative

Agency representative

NOTES:

1. This notice and the investigative file will be sent in accordance with the service rules set forth in paragraph 1-23.
2. A copy of this notice and the certified return receipt will be filed in the complaint file under Tab "Investigation (ROI/PIO)".
3. The Request for a Hearing and Request for a Final Army Decision formats (figs 4-13 and 4-14) will be attached to this notice.

Figure 4-10. Sample Notice of Post Investigative Options (Non-Mixed Complaints)