

Name of complainant/attorney representative:
Address of complainant/attorney representative:
City, State, Zip Code:

Complaint of _____
v. _____, Secretary of the Army
DA Docket Number(s): _____

Dear _____:

This offer of resolution is made in accordance with Title 29, Code of Federal Regulations, Part 1614.109(c) and in full satisfaction of the claim(s) of employment discrimination that you (your client) has made against the Department of the Army in the docket number(s) cited above. This offer specifically identifies all relief to be awarded in resolution of this matter. Attorney's fees and costs are not payable in age discrimination (ADEA) or equal pay (EPA) complaints. By signing this agreement, you (your client) waive(s) your (his/her) right to pursue administrative or judicial action in any forum concerning the matters raised in the above-listed complaints.

Your acceptance of this offer must be made in writing and postmarked or received in this office **within 30 calendar days** of your receipt of this offer. If you accept this offer, please indicate your acceptance on the enclosed original offer by signing on the line appearing above your name and include the date of your acceptance on the line appearing adjacent to your name. **[INCLUDE THE FOLLOWING IF COMPLAINANT IS REPRESENTED BY AN ATTORNEY: The signature of your client is also required and should be placed on the line above (his/her) name and date of (his/her) acceptance should be placed on the line adjacent to (his/her) name. The offer will not be deemed accepted without the signature of both you and your client.]**

If you decline this offer, please indicate your non-acceptance by signing and dating the enclosed original Notice of Non-Acceptance of an Offer of Resolution. **[INCLUDE THE FOLLOWING IF COMPLAINANT IS REPRESENTED BY AN ATTORNEY: The signatures of both you and your client are required.]** Failure to respond within 30 calendar days shall be considered non-acceptance.

The acceptance or declination of this offer should be personally delivered or sent to the undersigned at the address shown above. You are further advised that your non-acceptance of this offer neither terminates the processing of your complaint(s) nor prohibits further negotiations or use of ADR in an effort to resolve your claim(s). If you accept this offer, the administrative judge will be advised that the matter has been resolved.

If you do not accept this offer of resolution, and the ordered relief is less than that offered by the agency, you (your client) will not be reimbursed for attorney's fees incurred after the expiration of the offer's 30 calendar day acceptance period. The only exception to this rule is where the administrative judge or Equal Employment Opportunity Commission awards attorney's fees and costs in the interests of justice.

If you have any questions concerning this offer of resolution, you may contact me by telephone at (insert telephone number), or in writing at (insert address). Please be advised, however, that any such inquiry will not serve to extend the 30 calendar day acceptance period for this offer.

Sincerely,

EEO officer or appropriate official

Enclosures

1. Agreement
2. Notice of Non-Acceptance

Copies Furnished:

Agency representative

MACOM

Complainant, if represented by an attorney

Non-attorney representative, if applicable

NOTES:

1. 29 C.F.R. Part 1614.109(c) provides that an offer of resolution can be made to a complainant who is represented by an attorney at any time after filing of a formal complaint until thirty (30) calendar days before a hearing. If complainant is not represented by an attorney, an offer of resolution cannot be made before the case is assigned to an administrative judge for a hearing.
2. This Offer, the Agreement, and Notice of Non-Acceptance will be sent in accordance with the service rules set forth in paragraph 1-23.
3. If complainant accepts the offer of resolution, the administrative judge or OFO should be notified, in writing, of the resolution and provided with a copy of the signed Agreement.
4. A copy of all documents related to the accepted offer of resolution will be filed in the complaint file under Tab "Settlement".

Figure 4-14. Sample Offer of Resolution