

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 refers to your (your client's) discrimination complaint filed on (insert date). Your (Your client's) initial contact with an EEO official was (insert date) and you (your client) received the Notice of Right to File a Formal Complaint of Discrimination on (insert date)

In your (your client's) formal complaint of discrimination, you (your client) allege(s) discrimination on the basis/bases of (insert basis/bases) in the following action(s) when: (FRAME THE CLAIM(S) RAISED IN THE FORMAL COMPLAINT, TO INCLUDE DATE AND SPECIFIC ACTION. IF SEVERAL CLAIMS INVOLVED, START WITH MOST RECENT.)

- a.
- b.
- c.
- d.

Based on my review of the complaint file, and conditioned upon a final decision by the Army Director of EEO or designee, I have accepted claim(s) (list from above, i.e. (a) and (b) for investigation.

**(INSERT FOLLOWING IF PARTIAL DISMISSAL OF COMPLAINT IS APPROPRIATE AND PROVIDE A THOROUGH RATIONALE (AND REFERENCE APPROPRIATE ATTACHMENTS) FOR DISMISSAL DETERMINATION:)**

**Further, after careful analysis of the complaint file, I have dismissed claim(s) (enumerate dismissed claim(s) from list from above) in accordance with the referenced provisions of 29 CFR section 1614.107 and AR 690-600 as follows:**

[Include dismissed claim(s) and appropriate provision(s) and rationale for dismissal.]

**The dismissed portion of your (your client's) complaint will not be investigated and is not appealable to the Equal Employment Opportunity Commission (EEOC) Office of Federal Operations (OFO) until final action is taken on the remainder of the complaint. However, the dismissed portion may be reviewed by an EEOC administrative judge if a hearing is requested on the remainder of the complaint.**

If you believe the claim(s) in this complaint has/have not been correctly identified, please notify me, in writing, within 5 calendar days after you receive this letter, and specify why you believe the claim(s) has/have not been correctly identified. If you fail to contact me, I will conclude you agree that the claim(s) has/have been properly identified above. Any statement submitted in this regard will be placed in the complaint file.

Your (Your client's) complaint will be assigned to an investigator for formal investigation of the accepted claim(s). Once assigned, you will be informed of the investigator's identity and when the investigation is expected to begin. The investigation must be completed within 180 calendar days of the filing of this complaint, unless you agree in writing to extend the period an additional 90 calendar days. In accordance with Title 29, Code of Federal Regulations, Part 1614.108(e), the Army may unilaterally extend the 180-day time period, or any period, of extension, for not more than 30 calendar days when it must sanitize a complaint file which contains classified information. If this need for extension should arise, you (and your client) will be informed of the extension.

After completion of the investigation and if the case has not been settled, the EEO officer will provide you (you, on behalf of your client) with the Notice of Post-Investigative Options and the investigative file. This notice will inform you (you, on behalf of your client) that you have the right to, within 30 calendar days from your receipt of the notice, request a hearing before an EEOC administrative judge, who will issue a decision subject to final action by the Army, or the right to request that a final Army decision be issued on the record. You may also request a hearing at any time after 180 days have elapsed from the filing of this complaint. The enclosed Request for a Hearing should be sent directly to [insert appropriate EEOC office]. A copy of the Request for a Hearing must be provided to the EEO office at the address indicated on the Request for a Hearing form.

You (You, on behalf of your client) may amend a complaint at any time prior to the conclusion of the investigation to include claims like or related to those identified above. When a complaint has been amended, the agency is required to conduct an impartial investigation within the earlier of 180 calendar days after the last amendment of the complaint or 360 calendar days after the filing of the original complaint. You (you, on behalf of your client) may request a hearing from an EEOC administrative judge after 180 calendar days have passed since the filing of the original complaint if the investigation has not been completed. Any amendment must be submitted, in writing, to

the undersigned (or insert name of EEO officer and title) for a determination whether the new claim(s) warrants inclusion in the pending complaint or processing as a new complaint. Additionally, after requesting a hearing, you have the right to file a motion with the administrative judge to amend the complaint to include claims like or related to those raised in the original complaint.

If a new claim(s), not like or related to a previously filed complaint, provide(s) the basis for a separate complaint, the new claim(s) will be referred to an EEO counselor and will be subject to all regulatory requirements regarding the EEO complaint process. In cases where complaints are consolidated, the agency is required to conduct an investigation within the earlier of 180 calendar days after the filing of the last complaint or 360 calendar days after the filing of the original complaint. However, you (your client) may request a hearing from an EEOC administrative judge on the consolidated complaint any time after 180 calendar days from the date of the filing of the first complaint.

If you (you, on behalf of your client,) fail to request an EEOC hearing or to ask for a final decision by the Army within 30 calendar days after you receive the report of investigation, the processing of this case will proceed; and I will submit the entire complaint file to the Army Director of EEO or designee for a final Army decision on the merits of the complaint based on the record as it stands.

If you are (your client is) dissatisfied with the final Army decision/action (with or without a hearing), you (your client) may file a notice of appeal to the Equal Employment Opportunity Commission (EEOC), Office of Federal Operations, P.O. Box 19848, Washington, D.C. 20036, within 30 calendar days after receiving the final Army decision/action. A copy of the appeal must be provided to the Office of EEO/Civil Rights (Deputy for EEO Compliance and Complaints Review (EEOCCR)), ATTN: SAMR-EOCCA, 1941 Jefferson Davis Highway, Suite 109B, Arlington, Virginia 22202-4508. Also, any brief or statement in support of the appeal should be sent to OFO, with a copy to the Deputy for EEOCCR, within 30 calendar days after filing the notice of appeal. In or attached to the appeal to the EEOC, you (your client) must certify that a copy of the appeal was served on the Deputy for EEOCCR, the date and method of service. Any appeal to the EEOC should be addressed to the Director, Office of Federal Operations, Equal Employment Opportunity Commission, P.O. Box 19848, Washington, DC 20036.

Instead of appealing to EEOC, you (you, on behalf of your client,) may file a civil action in the proper US District Court within 90 calendar days after receiving the final Army decision/action or, if the Army has not issued a final decision on this complaint, after 180 calendar days from the date the formal complaint was filed. If you file a civil action under Title VII of the Civil Rights Act of 1964, as amended, or the Rehabilitation Act of 1973, as amended, and you do not have, or are unable to obtain the services of an attorney, you may request the court to appoint an attorney to represent you. In such circumstances as the court may deem just, the court may appoint an attorney and may authorize the commencement of the action without the payment of fees, costs, or

security. Any such request must be made within the above-referenced 90-day time limit for filing suit and in such form and manner as the court may require.

You are further notified that if a civil action is filed by you (you, on behalf of your client,) you must name the appropriate Department head or Agency head as the defendant and provide his or her official title. DO NOT NAME JUST THE AGENCY OR DEPARTMENT. Failure to name the Department head or Agency head or to state his or her official title may result in the dismissal of your (your client's) case. The appropriate agency is the Department of the Army. The head of the Department of the Army is (insert name), who is the Secretary of the Army.

If you decide (your client decides) to appeal to the EEOC OFO, you (your client) will still have an opportunity to file a civil action in US District Court within 90 calendar days after receiving the EEOC final decision, or 180 calendar days after the date of filing the appeal with the EEOC if there has been no final decision by the EEOC.

**[INSERT THE FOLLOWING PARAGRAPH IF COMPENSATORY DAMAGES ARE REQUESTED:]**

**In your formal complaint, it appears as though you are, or may be seeking, compensatory damages as part of the requested relief. The “Notice to EEO Complainant Seeking Compensatory Damages” is attached for your information and review. Please provide the requested documentation to [insert name of EEO officer and agency representative] within [15-30 days depending on circumstances].**

The agency representative in this complaint is (insert name), (address), (telephone number), (facsimile number) and (e-mail address). You are advised that copies of all official correspondence must be served on the EEO officer and the agency representative.

If at any time a settlement or resolution of this complaint is reached, the terms of the settlement/resolution will be agreed to in writing by all parties and you (and your client) will be given a copy.

A copy of your (your client's) EEO Counselor's Report was previously sent to you on [insert date].

Sincerely,

Signature block of EEO officer or appropriate official

Enclosure(s)

Copy Furnished:

Complainant, if represented by an attorney; or

Non-attorney representative

Agency representative

NOTES:

1. The date of alleged discrimination and the date of the initial contact with the EEO official are included in the acceptance letter to serve as an initial reference point to determine timeliness. An explanation should be provided if (a) facially untimely issue(s) is/are being accepted.
2. This notice will be issued for partial dismissal of a complaint. Figure 4-5 should be used if the complaint is dismissed in its entirety.
3. This notice will be issued to complainant/representative in accordance with the service rules set forth in paragraph 1-23.
4. A copy of the Request for a Hearing form (fig 4-13) should be enclosed.
5. A copy of this notice and all certified return receipt (green) cards will be filed in the complaint file under Tab "Formal".
6. The format of this sample notice may be modified to conform with local requirements.
7. Revise the deadlines for filing a civil action for EPA cases.
8. If the matter of compensatory damages is raised, attach the "Notice to EEO Complainant Seeking Compensatory Damages" (figure 4-17).

Figure 4-2 Sample Notice of Acceptance of Discrimination Complaint (Non-Mixed Complaint)