

U.S. Department of Bureaucracy
Washington HDQTRS Office
1 Government Way Building
Washington, D.C. 20507

Certified No. Z 123 456 789
Return Receipt Requested

August 2, 2009

I.M. Filing
1234 Pick-a-Lane
Silver Spring, MD 20905

Re: Acknowledgment Letter
Case No. EEO 1

Dear Mr. Filing:

We have received your complaint of discrimination filed on July 30, 2009.

If your complaint is accepted, you will be notified of such and it will be assigned to an investigator. In the event, your complaint is not accepted you will receive notice of the agency's final action.

Sincerely,

Wendy Wu
EEO Director



U.S. Department of Bureaucracy
Washington HDQTRS Office
1 Government Way Building
Washington, D.C. 20507

Certified No. Z 123 456 777
Return Receipt Requested

February 19, 2009

I.M. Filing
1234 Pick-a-Lane
Silver Spring, MD 20905

Re: Acknowledgment/Acceptance Letter -
Formal Discrimination Complaint
Case No. EEO 2

Dear Mr. Filing:

We have received your complaint of discrimination filed on February 16, 2009. Your complaint has been accepted for investigation. The scope of the investigation will include the following issue(s) only:

Whether complainant was discriminated against on the basis of age and sex when he was not selected for the position of Chief Surveyor, Vacancy Announcement No. 09-2000.

If you do not agree with the defined issue(s), you must provide us with sufficient reasons, in writing, within seven (7) calendar days of receipt of this letter.

The investigation of this complaint has been assigned to Sam Snoop. Mr. Snoop's telephone number is (307) 555-5757.

The investigation will be completed within 180 calendar days of the date of your filing of the complaint, with the exception that the complainant and the U.S. Department of Bureaucracy may voluntarily agree, in writing, to extend the time period up to an additional 90 calendar days. I am including an Agreement to Extend the 180-Day Investigative Process Form for your review and consideration. Please sign the Form and return it if you agree to extend the investigative process for an additional period not to exceed 90 additional days.

When the investigation is completed, you will receive a copy of the investigative file, and you will be notified of your right to a hearing before an Equal Employment Opportunity Commission

Administrative Judge, or of your right to a final decision by the agency head or designee without a hearing.

You may request a hearing by an EEOC Administrative Judge by notifying the EEO District Office within 30 calendar days of your receipt of the investigative file and notice of right to file. If you do not receive your investigative file and notice of right to file within 180 calendar days from the filing date, you may request a hearing at any time up to 30 calendar days after receipt of the investigative file.

If you are dissatisfied with the final decision of the U.S. Department of Bureaucracy, after a hearing or without a hearing, you may exercise your appeal rights. You may appeal to the Office of Federal Operations, Equal Employment Opportunity Commission within 30 calendar days, or you may file a civil action in an appropriate U.S. District Court within 90 calendar days of your receipt of the decision.

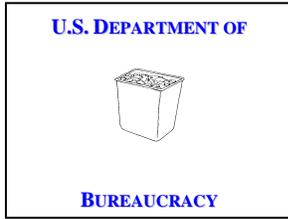
Any appeal to the EEOC should be addressed to the Office of Federal Operations, Equal Employment Opportunity Commission, P.O. Box 77960, Washington, DC 20013. Along with your appeal, you must submit proof to the EEOC that a copy of the appeal and any supporting documentation were also submitted to the U.S. Department of Bureaucracy.

After 180 calendar days from the date of filing your formal complaint, you may file a civil action in an appropriate U.S. District Court if the U.S. Department of Bureaucracy has not issued a final decision on your complaint.

If you decide to appeal to the Office of Federal Operations, EEOC, you may file a civil action in an appropriate U.S. District Court within 90 calendar days after your receipt of the EEOC's decision. If you do not receive a decision on your appeal within 180 days from the date of your appeal, you may file a civil action.

Sincerely,

Wendy Wu
EEO Director



U.S. Department of Bureaucracy
Washington HDQTRS Office
1 Government Way Building
Washington, D.C. 20507

Certified No. Z 123 456 799
Return Receipt Requested

August 14, 2009

I.M. Filing
1234 Pick-a-Lane
Silver Spring, MD 20905

Re: Acknowledgment /Acceptance / Partial Dismissal
Case No. EEO 3

Dear Mr. Filing:

We have received your complaint of discrimination filed on August 13, 2009. Your complaint has been accepted for investigation. The scope of the investigation will include the following issue(s) only:

Whether complainant was discriminated against on the bases of disability and retaliation when he was continually harassed starting in January 2009 and ongoing.

In your August 13, 2009 complaint, you also alleged that you were discriminated against on the basis of disability when you were voted off the softball team. The agency finds that you have failed to show harm to a term, condition or privilege of employment. Therefore, the claim is dismissed for failure to state a claim pursuant to 29 C.F.R. section 1614.107(a)(1). The determination to dismiss this claim is reviewable by an administrative judge if a hearing is requested on the remainder of the complaint, but is not appealable until final action is taken on the remainder of the complaint.

If you do not agree with the defined issue(s), you must provide us with sufficient reasons, in writing, within seven (7) calendar days of receipt of this letter.

The investigation of this complaint has been assigned to Sam Snoop. Mr. Snoop's telephone number is (307) 555-5757.

The investigation will be completed within 180 calendar days of the date of your filing of the complaint, with the exception that the complainant and the U.S. Department of Bureaucracy may voluntarily agree, in writing, to extend the time period up to an additional 90 calendar days. I am

including an Agreement to Extend the 180-Day Investigative Process Form for your review and consideration. Please sign the form and return it if you agree to extend the investigative process for an additional period not to exceed 90 additional days.

When the investigation is completed, you will receive a copy of the investigative file, and you will be notified of your right to a hearing before an Equal Employment Opportunity Commission Administrative Judge, or of your right to a final decision by the agency head or designee without a hearing.

You may request a hearing by an EEOC Administrative Judge by notifying the EEO District Office within 30 calendar days of your receipt of the investigative file and notice of right to file. If you do not receive your investigative file and notice of right to file within 180 calendar days from the filing date, you may request a hearing at any time up to 30 calendar days after receipt of the investigative file.

If you are dissatisfied with the final decision of the U.S. Department of Bureaucracy, after a hearing or without a hearing, you may exercise your appeal rights. You may appeal to the Office of Federal Operations, Equal Employment Opportunity Commission, or you may file a civil action in an appropriate U.S. District Court within 90 calendar days of your receipt of the decision.

Any appeal to the EEOC should be addressed to the Office of Federal Operations, Equal Employment Opportunity Commission, P.O. Box 77960, Washington, DC 20013. Along with your appeal, you must submit proof to the EEOC that a copy of the appeal and any supporting documentation were also submitted to the U.S. Department of Bureaucracy.

After 180 calendar days from the date of filing your formal complaint, you may file a civil action in an appropriate U.S. District Court if the U.S. Department of Bureaucracy has not issued a final decision on your complaint.

If you decide to appeal to the Office of Federal Operations, EEOC, you may file a civil action in an appropriate U.S. District Court within 90 calendar days after your receipt of the EEOC's decision. If you do not receive a decision on your appeal within 180 days from the date of your appeal, you may file a civil action.

Sincerely,

Wendy Wu
EEO Director

IV. Format for a Dismissal Final Agency Decision

Agency Letterhead

John Doe,
Complainant,

v.

Jane Roe,
Secretary,
Department of Government,
Agency.

Agency Case No. 12345-00

FINAL AGENCY DECISION

Statement of Claim(s)

Clearly and specifically identifies the claim(s) raised in the complainant's (CP's) complaint. **Example:** The CP claims that the agency discriminated against him on the basis of race (Asian) when he was not selected for the position of Widget Inspector, GS-5555-12, effective October 1, 2000.

Procedural History

Explains how the case reached the stage where a FAD is being issued. Includes the following, as applicable, with dates: alleged discriminatory incident(s), initial contact with EEO Counselor, counseling conducted, notice of right to file issued, formal complaint filed, and acknowledgment letter issued. The dates and outcomes of any previous activity on the claim(s) before the EEOC, Office of Federal Operations, should also be laid out here.

Statement of the Facts

Includes all material and relevant facts needed to dispose of the case. Contains citations to the case file/record. Defines all acronyms used. Explains agency policy and procedures relevant to the claim(s) raised. Identifies and explains any gaps in the record.

Legal Analysis

Applies the law to the facts of the case. Explains the legal/factual basis for the agency's decision in a manner understandable to the CP. Legal analysis must be sufficient so that the CP may meaningfully exercise his/her appeal rights. Contains citations to the case file/record and applicable law, including Federal statutes, regulations, and case law (EEOC case law where such exists and in the absence of relevant EEOC case law, Federal case law) being relied on for the decision.

Statement of Conclusions

Sets forth the outcome of the legal analysis. Example: Based upon the evidence of record, and for the foregoing reasons, we find that the complainant failed to file his/her formal complaint within the regulatory 15 days, and is thus untimely. We further find that no good cause exists to warrant an extension of the time period. Therefore, complainant's complaint is properly dismissed pursuant to 29 C.F.R. § 1614.107(a)(2).

Statement of Relief

Explains why no relief is awarded. Example: Because the CP has not prevailed on his/her claim of race discrimination, no relief is awarded.

Statement of Rights

Informs the CP of his/her appeal rights. Accurately advises the CP whether and within what time frame s/he may pursue the claim(s) further with the EEOC, MSPB, and/or a United States District Court, as applicable.

Dated Signature Block

Contains the printed name, title and signature of the individual issuing the FAD.
Contains the date on which the Dismissal FAD was signed/issued.

Certificate of Service

Statement averring that the Dismissal FAD was sent to all necessary parties upon its issuance – usually the CP and the CP’s representative (if any). Sets forth the addresses to which the Dismissal FAD was sent. Specifies the means of delivery, *e.g.*, certified mail (includes number) or regular U.S. mail (with a presumption of receipt notice). Contains the printed name, title and the signature of the individual responsible for sending out the Dismissal FAD, and shows the date on which the Dismissal FAD was sent.

TEST YOURSELF

Choose the appropriate ground(s) for dismissal of the following hypothetical scenarios.

1. CP alleges discrimination on the basis of disability when she was denied a security clearance.

2. CP alleges discrimination on the basis of gender when he was denied leave. CP filed an EEO complaint on April 1, 2008 and a grievance on March 15, 2008 alleging discrimination.

3. CP alleges discrimination on the basis of sex when she was not selected for an Analyst position under Vacancy Number 12SM102-743. CP also filed a complaint in district court, in accordance with the appropriate time restrictions, claiming the agency violated Title VII and the ADEA when she was verbally harassed and denied training, culminating in a failure to select her for an Analyst position in the 700 series.

4. CP files a complaint claiming her supervisor failed to greet her in the morning when she arrived.

5. CP interviews for a position on April 4, and waits until July 15 to look at the website she is told to check by the agency to see if she is selected for the position. The selection was posted on April 10.

6. On January 1, CP begins EEO counseling concerning his 10-day suspension. He then files a MSPB appeal on Jan. 10, and formal EEO complaint Jan. 22.

7. CP receives notice of right to file a complaint on Jan 10. The notice informs CP of the 15-day time limit for filing her complaint. CP sends his complaint through the internal mail system (unpostmarked) prior to the 15-day deadline. The EEO Office received the formal complaint and stamps it on Jan 26.

8. CP alleges discrimination on the bases of race and sex when she was harassed in February 2009. Records indicate OFO recently affirmed the agency's dismissal of a separate complaint alleging religious and age discrimination when CP was harassed from January - March 2009.

9. In the formal complaint, CP alleges harassment from denial of leave, and naming it as the only incident. Counselor's Report reveals that failure to receive award and ridiculing performance were the matters discussed.