

Hypothetical – An untimely contact?

Complainant (age 53) applies for the position of GS-13 Specialist on November 1, 2009. RMO is the Selecting Official and Complainant's first-line supervisor. On Monday, January 4, 2010, RMO selects Selectee (age 35) for the position. Selectee accepts the offer, and it is made effective. The same day, RMO informs Complainant via email that he chose Selectee for the position. Complainant knows Selectee, and knows that he is significantly younger than Complainant.

49 days later, on Monday, February 22, 2010, Complainant contacts an EEO counselor. During counseling, Complainant is asked whether he was aware of the requirement to contact a counselor within 45 days, and if so, why he waited 49 days. Complainant states that he was aware of the 45-day time limit, but prior to contacting a counselor, he wanted to meet with RMO to discuss his potential for promoting in the work unit, and the specific reasons for his non-selection. On Monday, February 1, 2010, Complainant had sent RMO an email asking to meet with him to discuss these things, and RMO never responded. This was what ultimately led Complainant to enter EEO counseling.