In reply refer to: 08

September 6, 2022

VIA: **(Delivery Method)** emailaddress3

firstname lastname

address1\_line1 address1\_line2

address1\_city, govcdm\_address1statepicklist address1\_postalcode

emailaddress3

**SUBJECT: Notice of Advisement of Rights in Mixed Case Complaint for** **firstname** **lastname, Case No.** **govcdm\_name, Filed** **govcdm\_dateformalcomplaintfiled.**

Dearfirstname lastname:

1. The purpose of this letter is to provide you and your client with copies of the investigative file for his/her mixed case EEO complaint and to advise you of further complaint processing rights.

2. Your client’s complaint is being transmitted to the VA Office of Employment Discrimination Complaint Adjudication (OEDCA), which will issue a Final Agency Decision (FAD) on the complaint within 45-calendar days of the date of this letter. The decision will advise your client of the right of appeal to the Merit Systems Protection Board (MSPB), the right to request a hearing in connection with an appeal to the MSPB, and of the 30-calendar days time limit within which to file such an appeal.

3. If your client has not received a copy of the FAD within 120-calendar days of the date he/she filed the formal complaint, he/she has the right to appeal to the MSPB without waiting further. Your client may not, however, file an appeal before the 121st day, unless the FAD is received sooner. Any appeal that your client may file should be efiled at [www.mspb.gov](http://www.mspb.gov) or alternatively mailed to the following address:

**Regional Director**

**Merit Systems Protection Board**

**Address**

**City, state, zip**

**Efile:** [www.mspb.gov](http://www.mspb.gov)

4. If your client has not received a copy of the investigative file within 120-calendar days of the date he/she filed the formal complaint and does not wish to appeal to the MSPB, he/she also has the right to file a civil action in Federal District Court. If he/she files a civil action and does not have an attorney or is unable to obtain the services of an attorney, the court, in its discretion and upon your client’s request, may appoint an attorney to represent him/her in this matter. The court may also authorize commencement of the civil action without the payment of fees, costs or security. Finally, if your client decides to file a civil action, your client must name the **Secretary of Veterans Affairs** as the defendant.

5. In addition to the above, your client has the right to elect to participate in the Agency’s Alternative Dispute Resolution (ADR) Program which is designed to resolve individual disputes such as EEO complaints.

6. If your client elects to participate in the ADR Program, a written request for ADR must be submitted within **ten (10) calendar days of your receipt of this letter**. The request for ADR must be emailed, mailed or sent via facsimile to the ADR Program Office as follows:

**Department of Veterans Affairs**

**ADR Program Office (08)**

**810 Vermont Ave, NW**

**Washington, DC  20420**

**Fax Number: (202) 501-2885**

[workplaceadr@va.gov](mailto:workplaceadr@va.gov)

7. If you have any questions about your rights, please contact firstname lastname, ORMDI Case Manager at address1\_telephone1, internalemailaddress. **You are *strongly encouraged* to use email to submit your correspondence and/or documents to ORMDI.**

Sincerely,

firstname lastname

District Manager

Enclosures:

cc:  firstname lastname, emailaddress3

**Facility Director and email**