In reply refer to: 08

January 24, 2024

VIA: **(Delivery Method)** emailaddress3

govcdm\_firstname govcdm\_lastname

govcdm\_address1\_line1 govcdm\_address1\_line2

govcdm\_address1\_city, govcdm\_address1statepicklist govcdm\_address1\_postalcode

**SUBJECT: Notice of Advisement of Rights in your Mixed Case Complaint, Case No. govcdm\_name, Filed on govcdm\_dateformalcomplaintfiled**

Dear govcdm\_firstname govcdm\_lastname:

1. The purpose of this letter is to provide you a copy of the investigative file for your mixed case EEO complaint and to advise you of further complaint processing rights.

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

3. If you have not received a copy of the FAD within 120-calendar days of the date you filed your formal complaint, you have the right to appeal to the MSPB without waiting further. You may not, however, file an appeal before the 121st day, unless you receive the FAD sooner. Any appeal that you may file should be efiled at [www.mspb.gov](http://www.mspb.gov). If you cannot efile, then your appeal should be addressed to:

**Regional Director**

**Merit Systems Protection Board**

**Address**

**City, state, zip**

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

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

5. In addition to the above, you have 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 you elect to participate in the ADR Program, you must submit a written request for ADR within **ten (10) calendar days of your receipt of this letter**. The request for ADR must be sent via email (or mailed) 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)

8. 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:  **Facility Director and email**