In reply refer to: 08

September 7, 2022

VIA: **(Delivery Method)**

**Director (00)**

Department of Veterans Affairs

govcdm\_stationname

govcdm\_facilityaddress govcdm\_facilityaddress2

govcdm\_facilitycity, govcdm\_facilitystate govcdm\_facilityzip

**SUBJECT:** **Notice of Completion of EEO Investigation for** **firstname** **lastname, Case No.** **govcdm\_name, Filed** **govcdm\_dateformalcomplaintfiled.**

Dear **(Director)**:

1. We have provided complainant a copy of the EEO investigative file and a letter outlining their rights for further complaint processing. Your office will be notified of complainant’s election for further processing.

The EEO investigation and summary are protected by the Privacy Act. If you need the EEO investigation or summary for the purposes of settlement or disciplinary action you must request it through the FOIA office at [ORMFOIA@va.gov](mailto:ORMFOIA@va.gov). Your request must explain why you need the document(s) and what documents you are requesting.

Only sections of the EEO investigation/summary that are relevant to settlement or disciplinary action can be released under FOIA. If documents are released to your office under the Privacy Act, these documents can only be shared with the EEO Program Manager on a need-to-know basis and cannot to be shared with anyone else.

Complainant has been informed that this complaint has been transmitted to the VA Office of Employment Discrimination Complaint Adjudication (OEDCA), for a Final Agency Decision (FAD). For your convenience, we have attached a brief overview of the complaint process and what management can expect.

2. The Equal Employment Opportunity Commission (EEOC) encourages the use of Alternative Dispute Resolution (ADR) to resolve EEO complaints. Mediation offers the parties an opportunity to create an outcome to the complaint that satisfies their interests. At this point in the process, mediation can save time and resources that would otherwise continue to be spent on processing the complaint. Mediation could also lead to a more satisfying outcome for the parties. If you are interested in using mediation to address this dispute, please contact firstname lastname, ORMDI Case Manager at address1\_telephone1andinternalemailaddress, the ORMDI ADR Program at [workplaceadr@va.gov](mailto:workplaceadr@va.gov) or you may visit the Workplace ADR website at https://www.va.gov/adr/WorkplaceADR.asp. **You are *strongly encouraged* to use email to submit your correspondence and/or documents to ORMDI.**

3. We appreciate your cooperation in the processing and exploration of resolution of this complaint.

Sincerely,

firstname lastname

District Manager

Enclosure:

cc: EEO Program Manager and email

***Why Did I Receive this Notice?***

You received this *Notice of Completion* because an employee, applicant, or former employee under your chain of command filed an EEO complaint which ORMDI investigated. We have copied your EEO program manager/liaison.

**What actions should I take?**

We have not attached a summary of the investigation. If you are in settlement negotiations or evaluating possible disciplinary action you must request a copy of the EEO Investigation/Summary through FOIA at ORMFOIA@va.gov. ADR can be elected at any time in the process and can occur even if ADR was used during the EEO counseling phase.

**What Happens Next**

ORMDI has transmitted the investigative file to VA’s Office of Employment Discrimination Complaint Adjudication (OEDCA) to issue a final agency decision (FAD). Ordinarily, a complainant is given the option of requesting a hearing before the Equal Employment Opportunity Commission (EEOC) after the investigation, but in this case, complainant alleges something that is appealable to the Merit Systems Protection Board (MSPB). Therefore, the case goes directly to OEDCA. We refer to this as a “mixed complaint”.

**What happens once OEDCA renders a FAD?**

Because this is a “mixed case”, complainant will be given appeal rights to the MSPB. MSPB will either affirm OEDCA’s FAD or reverse it. MSPB’s decision is binding on the agency.

**When does the process end?**

Complainant can also file in U.S. District Court even after the case has been adjudicated. If that occurs Regional Counsel works with a U.S. Attorney from the Department of Justice.