In reply refer to: 08

September 15, 2022

VIA: **(Delivery Method)** emailaddress3

firstname lastname

address1\_line1 address1\_line2

address1\_city, govcdm\_address1statepicklist address1\_postalcode

**SUBJECT: Notice of Consolidation of your EEO Complaints Case No. govcdm\_name, Filed govcdm\_dateformalcomplaintfiled.**

Dear firstname lastname:

1. Your EEO discrimination complaints, case number govcdm\_name and case number **(case)** has been consolidated for investigation and further processing.

2. EEOC regulation 29 C.F.R. §1614.606 requires agencies to consolidate two or more complaints of discrimination filed by the same complainant for joint processing after appropriate notice has been provided to the parties. While your complaints will be jointly processed, they will retain their individual identity. However, one final decision will be made with respect to the complaints.

3. As a result of this notification of consolidation, the time frame for completion of the investigation(s) is adjusted. **When a complaint has been consolidated with an earlier-filed complaint, the agency must complete its investigation within the earlier date of the following: (a) 180 calendar days after the filing of the last complaint, or (b) 360-calendar days after the filing of the original complaint.** ORM will make every good faith effort to complete the investigation within the prescribed period. However, where workload demands make it impossible to complete a timely investigation, we will work with you to seek a mutual agreement to extend the period, not to exceed 90 calendar days, so that the investigation can be completed before you seek an EEOC hearing or a FAD from OEDCA.

4. If you do not receive a copy of the investigative file within 180 calendar days of the date you filed the last formal complaint, you still have the right to request EEOC to appoint an administrative judge to conduct a hearing on the consolidated complaints without waiting further. You may not request a hearing before the 181st day of the date you filed the original formal complaint unless you receive the investigative file sooner. To request that EEOC appoint an administrative judge to hear the complaints, you must complete the enclosed “Hearing Request Form” and file it through the EEOC’s Public Portal.

To access the Public Portal, go to <https://publicportal.eeoc.gov>. To begin, click on the link: “Filing with EEOC” and answer the questions. After submitting request for a hearing, complainants can then use the Public Portal’s “My Cases” feature to view their hearing matters in one convenient location. Complainants can also identify and manage their representative contact information in the Portal. Once identified by a complainant, registered representatives can then upload documentation on their client’s behalf.

If a complainant does not want to use the Public Portal, requests for a hearing before the EEOC and supporting documents can still be submitted directly to the EEOC office at the following address AND also providing a copy of the request to the agency at the address above. ***Failure to provide a copy of the request to the agency may result in forfeiture of the right to a hearing.***

**Director**

**U.S. Equal Employment Opportunity Commission**

**address**

**Fax Number: XXX-xxxxx**

Efile: <https://publicportal.eeoc.gov>

You must also send a **copy** of the enclosed “Hearing Request Form” for a hearing to this office by email or fax, or in the alternative mailed:

**Department of Veterans Affairs**

**ORMDI**

**govcdm\_name**

**govcdm\_address1\_line1 govcdm\_address1\_line2**

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

**Fax: (xxx) xxx-xxxx**

**Email: @va.gov**

You are required to certify to the EEOC Administrative Judge that you sent a copy of the request for a hearing to the Office of Resolution Management, Diversity and Inclusion at the above address.

5. If you request a FAD, it will be rendered by VA’s Office of Employment Discrimination Complaint Adjudication (OEDCA), in Washington, DC. The FAD will address all claims, and a finding will be made on the merits of your complaint. At that time, you may appeal the FAD to the EEOC if you are dissatisfied with the decision. OEDCA will provide you with specific information regarding your appeal rights following its final agency decision, including your right to file a civil action in an appropriate United States district court. Address your request for a final agency decision without a hearing to and fax or email it to:

**Department of Veterans Affairs**

**ORMDI**

**govcdm\_name**

**ATTN:** **firstname lastname, EEO Case Manager**

**govcdm\_address1\_line1 govcdm\_address1\_line2**

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

**Fax: (xxx) xxx-xxxx**

**Email: @va.gov**

Your request for a FAD will be transmitted to OEDCA, along with a copy of the investigative file, and our request that OEDCA render a final decision on your complaint.

6. If you have not received a copy of the investigative file within 180 calendar days of the date you filed your last formal complaint and you do not wish to have a hearing, you have the right to file a civil action in an appropriate United States District Court. If you file a civil action, the court may, at its discretion and upon your request, appoint an attorney to represent you, if you do not have or cannot afford one. The court may authorize commencement of the civil action without payment of fees, costs, or other security. Finally, if you decide to file a civil action, you must name the **Secretary of Veterans Affairs**, as the defendant.

7. You must keep this office advised of any change of address. Failure to do so could lead to dismissal of your complaint. You must also immediately advise this office, in writing, of the name, address, and telephone number of any person you may choose to represent you in this matter. If you advise us of representation, all subsequent actions on your complaint will be emailed or delivered to your representative, with copies to you, unless you advise us in writing that you are no longer represented by that individual.

8. The EEOC encourages the use of Alternative Dispute Resolution (ADR) to resolve EEO complaints at the lowest possible level. Agencies and complainants can realize many advantages from using ADR. ADR offers the parties the opportunity for an early, informal resolution of disputes in a mutually satisfactory fashion. If you are interested in using mediation to address the issues raised in your complaint, please contact the ORM Case Manager listed below or the ADR Program Manager at [workplaceadr@va.gov](mailto:workplaceadr@va.gov).

9. If you have any questions, 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

Enclosure: Hearing Request Form

cc: Facility Director and email

firstname lastname, District Manager

Department of Veterans Affairs

Office of Resolution Management, Diversity & Inclusion

govcdm\_name

govcdm\_address1\_line1 govcdm\_address1\_line2

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

Fax - govcdm\_fax

Email: **@va.gov**

Dear firstname lastname:

Pursuant to EEO regulations found in 29 C.F.R. §1614.108(f) **I am requesting a Final Agency Decision** by the VA’s Office of Employment Discrimination Complaint Adjudication (OEDCA), Washington, D.C. I have received the Advisement of Rights notice from ORM and understand that I have the right to elect a FAD or an EEOC hearing **but not both.**

My Name: firstname lastname

Facility Complaint Filed Against: govcdm\_name

Address of Facility: govcdm\_stationname

govcdm\_facilityaddress govcdm\_facilityaddress2

govcdm\_facilitycity, govcdm\_facilitystate govcdm\_facilityzip

Agency Case No: govcdm\_name

Date Filed: **govcdm\_dateformalcomplaintfiled**

Sincerely,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

firstname lastname Date

**Please note: This form may be emailed to** **internalemailaddress, or sent via facsimile to (xxx) xxx-xxxx. You are strongly encouraged to use email to submit your correspondence to ORMDI.**

**HEARING REQUEST FORM**

**EEOC Hearings Unit**

Efile: [https://publicportal.eeoc.gov](https://publicportal.eeoc.gov/)

**U.S. Equal Employment Opportunity Commission**

**EEOC Office**

**Address**

**City, State, Zip**

Dear Sir/Madam:

I am requesting the appointment of an EEOC Administrative Judge pursuant to 29 C.F.R. § 1614.108(h).  I hereby certify that either more than 180 days have passed from the date I filed my complaint; or I have received a notice from the agency that I have 30 days to elect a hearing or a final agency decision.

My name: **firstname lastname**

**address1\_line1 address1\_line2**

**address1\_city, govcdm\_address1statepicklist address1\_postalcode**

**emailaddress3**

**address1\_telephone3**

Representative: **firstname lastname**

**address1\_line1 address1\_line2**

**address1\_city, govcdm\_address1statepicklist address1\_postalcode**

**emailaddress3**

**address3\_telephone3**

Agency Case No: **govcdm\_name**

Date Filed: **govcdm\_dateformalcomplaintfiled**

In accordance with 29 C.F.R. § 1614.108(h), I hereby certify that I have sent a copy of this request for a hearing to the following person at the agency:

Case Manager: **firstname lastname**

**govcdm\_name**

**govcdm\_address1\_line1 govcdm\_address1\_line2**

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

**internalemailaddress**

**You are *strongly encouraged* to use email to submit your correspondence and/or documents to ORMDI.**

Sincerely,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_                          \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

firstname lastname Date