In reply refer to: 08

September 6, 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 Report of Investigation Summary Release for** **firstname** **lastname, Case No.** **govcdm\_name, Filed** **govcdm\_dateformalcomplaintfiled.**

Dear **(Director)**:

1. Per your request, the Report of Investigation Summary is released for settlement or disciplinary action purposes only. It should not be released to the Responsible Management Official or any other witnesses in the complaint. ROI summary contents shall not be disclosed to any party, other than those that have the direct need-to-know in order to facilitate settlement and/or disciplinary action purposes. It is the responsibility of the Facility Director to ensure summaries are only shared with the designated settlement authority and/or disciplinary action for the case or those persons involved in settlement/discipline discussions. Impermissible dissemination of the summary could result in a violation of the Privacy Act.

Information associated with EEO complaints is governed by the Privacy Act of 1974 (5 U.S.C. § 552a) and Department of Veterans Affairs (VA) policies. Participants and recipients of EEO complaint information are responsible for protecting information pursuant to Federal Law and VA policies. See [www.oprm.va.gov](https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.oprm.va.gov%2F&data=04%7C01%7C%7C19faef9e64674fc370cc08da1cb07de6%7Ce95f1b23abaf45ee821db7ab251ab3bf%7C0%7C0%7C637853841589711130%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6Ik1haWwiLCJXVCI6Mn0%3D%7C3000&sdata=l7cdG2MwA0pZoywm1V42uy141UrxKNB%2Fzcaq5gGk6no%3D&reserved=0). VA officials who receive ROI summaries or summary information for settlement and/or disciplinary action purposes are not authorized to release or share the information with any other party unless authorized by the Office of General Counsel District Office. Release of the ROI Summary or summary information to unauthorized person(s) may result in disciplinary action.

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\_telephone1, internalemailaddress or the ORMDI ADR Program at [workplaceadr@va.gov](mailto:workplaceadr@va.gov). **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

***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.