In reply refer to: 08

December 1, 2022

VIA: **(Delivery Method)** emailaddress3

firstname lastname

address1\_line1 address1\_line2

address1\_city, govcdm\_address1statepicklist address1\_postalcode

**Subject:** **Pretext/Rebuttal Notice, EEO Case No. govcdm\_name.**

Suspense Date: **(Due** **Date)**

Dear firstname lastname:

1. One component of the complainant’s burden of proof is called the rebuttal or pretext statement. Specifically, if/when the Responsible Management Official (RMO) articulates legitimate and non-discriminatory reasons for their actions (burden of production), the complainant has a burden of proof to show that the reasons provided by the RMO are false and are a mask or cover for discrimination.

2. Attached to this notice is a document titled “Complainant’s Rebuttal Decision”. The notice includes three options: 1) No Pretext Statement; 2) Withdraw EEO Complaint; and 3) Pretext Statement will be completed. Please identify which option you intend to pursue by placing an “X” in the space immediately preceding the option.

3. If you choose Option 1) or 2), please complete the attached form (Complainant’s Pretext/Rebuttal Decision) and return to me at the contact information below on/before the Suspense Date identified above. In addition, if you choose Option 2, please sign and date the attached Withdrawal form and return to me.

4. If you choose Option 3), please find attached for your rebuttal/pretext statement an uncompleted Affidavit/Declaration. Also attached is(are) the statement(s) provided by the RMO(s) you alleged was(were) responsible for causing you to be a victim of discrimination, harassment, or retaliation. Please review the statement(s) and when finished, indicate in the uncompleted Affidavit/Declaration whether you believe the reasons provided are false and are a cover for discrimination and indicate why you believe thusly.

5. Please be mindful that the documents provided to assist you in preparing your rebuttal/pretext statement are protected by the Privacy Act of 1974 (5 U.S.C. § 552a) and by Department of Veterans Affairs policies for documents that are identified as confidential. As a consequence, you and any other recipient to this notice are responsible for ensuring that information contained in the documents and the documents themselves are protected pursuant to the Privacy Act and VA rules and regulations. Failure to comply with these requirements could result in administrative action.

6. In addition, please submit and attach any direct evidence that on its face demonstrates a bias against you based on your membership in a protected group(s) and is linked to the accepted claims/events. If you submit evidence, please label the evidence and indicate what the evidence demonstrates.

7. The deadline for submission of your rebuttal or pretext statement is identified above in the “Suspense Date”.

8. Your signed and dated response is due by the Suspense Date identified above. The responses can be mailed to my attention at **(Investigator’s address)** address1\_line1 address1\_line2, address1\_city, govcdm\_address1statepicklist address1\_postalcode or can be submitted via encrypted email to my email address at **(Investigator’s email address)** internalemailaddress.

9. Thank you for participating in this process. If you have any questions or need assistance, please contact me at **(Investigator’s telephone)** address1\_telephone3 or by email at the email address identified above.

Sincerely,

firstname lastname

EEO Investigator

Enclosure: As Stated

**Complaintant’s Rebuttal Decision**

**firstname lastname**

**EEO Case No. govcdm\_name**

**Organization: govcdm\_stationname**

I have reviewed the response(s) from the Responsible Management Official(s) (RMO) related to my discrimination complaint and I elect to take the following action in response:

1. \_\_\_\_\_ I DO NOT WANT TO PROVIDE A PRETEXT/REBUTTAL STATEMENT.
2. \_\_\_\_\_ I WANT TO WITHDRAW MY COMPLAINT.
3. \_\_\_\_\_ I WANT TO PROVIDE A PRETEXT/REBUTTAL STATEMENT, WHICH WILL BE PROVIDED BY THE SUSPENSE DATE IDENTIFIED ON THE PRETEXT/REBUTTAL NOTICE.

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

firstname lastname Date

**Notice of Withdrawal of EEO Complaint**

**firstname lastname**

**EEO Case No. govcdm\_name**

1. On **govcdm\_datetimeofinitialcontact**, I, firstname lastname, contacted the Office of Resolution Management, Diversity and Inclusion (ORMDI) to initiate an equal employment opportunity (EEO) complaint. The EEO counselor advised me of my rights and responsibilities during the EEO complaint process.

2. I am withdrawing this EEO complaint in its entirety. I am making this decision of my own free will and without coercion. The claims identified in my complaint are listed below:

**(Enter Claims Here)**

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

firstname lastname Date