In reply refer to: 08

December 1, 2022

VIA: **(Method of Delivery)** emailaddress3

firstname lastname

address1\_line1 address1\_line2

address1\_city, govcdm\_address1statepicklist address1\_postalcode

**SUBJECT:** **Notification of Expiration of 180 Day Investigation, EEO Case No.** **govcdm\_name filed on** **govcdm\_dateformalcomplaintfiled.**

Dear firstname lastname:

1. The Department of Veterans Affairs (VA) is required to inform you that the 180-day timeline for your formal EEO complaint will expire on **(Date)**. See Equal Employment Opportunity Management Directive for 29 C.F.R. § 1614 (EEO-MD-110), Chapter 5 (Agency Processing of Formal Complaints), Section C (Failure to Complete Investigation within Time Limit).

2. Currently, your complaint is pending completion of investigation. We anticipate you will receive your completed investigation by **(Date)**. However, if you agree, the due date for the investigation can be extended by up to 90 days. If you agree with an extension, attached is a voluntary extension form for your signature. Simply sign the attached form, circle the time period you agree to extend the investigation, and return it to me.

3. If the period for the investigation is not extended, on the 181st day you have the right to request a hearing before a Commission Administrative Judge or to file a civil action in an appropriate U.S. District Court.

4. If you elect a hearing before the EEOC, you may file a request for hearing and submit relevant documents 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.

5. If you do 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:

**U.S. Equal Employment Opportunity Commiss****ion**

**EEOC Office**

**Address**

**City, State, Zip**

**fax number**

6. A copy of the hearing request should also be provided to the VA at:

Department of Veterans Affairs

Office of Resolution Management, Diversity and Inclusion (08)

810 Vermont Avenue, NW

Washington, DC 20420

7. If you choose to file a civil action, that action should be styled [Complainant v. Agency Head]. You may also petition the U.S. District Court to appoint an attorney and to authorize commencement of the civil action without payment of fees, costs, or security. Whether your request is granted or denied is within the sole discretion of the U. S. District Judge.

8. Should you elect to request a hearing or file a civil action, you may have the opportunity to engage in discovery. Discovery is a pre-hearing and pre-trial device you can use to obtain facts and information from the agency. Tools of discovery include, but are not limited to, depositions, interrogatories, requests for production of documents, and requests for admissions. You are required to prove your case by a preponderance of the evidence which means the evidence of discrimination must be of greater weight than the evidence of non-discrimination.

9. In the alternative, you may wait until the investigation is complete, at which time, you will receive notice of the right to request a hearing before a Commission Administrative Judge or to request an immediate final agency decision. The issuance of this Notice does not operate to waive your right to seek sanctions against the Agency for failing to complete the investigation within the regulatory time frame. If you choose to wait for the investigation to be completed, please complete the attached voluntary extension form and return to me as soon as possible.

10. If you have any questions or need assistance, please contact me at **(Investigator’s telephone)** address1\_telephone3 and**(Investigator’s email address)** internalemailaddress.

Sincerely,

firstname lastname

EEO Investigator

Enclosure: As Stated

**EXTENSION OF COMPLAINT PROCESSING TIMELINES**

**firstname lastname**

**EEO Case No. govcdm\_name**

1. **EEOC regulations require that the formal investigation be completed within 180 days of the file date. The original file date of your complaint is govcdm\_dateformalcomplaintfiled and the regulatory timeline expires on govcdm\_formalcomplaintdue.**
2. **ORM requests a voluntary extension of 30/60/90 days to the timeline for the following reason(s) (circle/highlight length of extension):**

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firstname lastname - Complainant Date

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firstname lastname - Representative Date

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District EEO Manager Date