

Formal Complaint Process

The agency may accept, dismiss or partially dismiss the formal complaint of discrimination. If the complaint is accepted, it will be investigated. The agency is required to conduct a complete and fair investigation of the complaint within 180 days of the filing of the complaint, unless the parties agree in writing to extend the investigation. Complainants will receive a copy of the investigative file and have an opportunity to request an immediate final agency decision or a hearing before an Equal Employment Opportunity Commission (EEOC) Administrative Judge. If the complaint is dismissed in its entirety, individuals will have the right to appeal the dismissal and will receive a separate written notice advising them of their appeal rights.

If some, but not all of the issues in your complaint are dismissed, those issues will not be investigated. A determination on the dismissed portion will be made by an Administrative Judge if a hearing is requested on the remainder of the complaint. The dismissed portion is not appealable until a final agency decision is received on the accepted portion of the complaint. If a settlement of the complaint is reached, the terms of the settlement will be stated, in writing, and a copy of such settlement will be provided. If a settlement of the complaint is not reached, you will be notified, in writing, of your right to request a decision by the Secretary of the Navy, with or without a hearing.

Requests for hearing must be made within 30 calendar days after receiving the investigative file. A copy of the request for hearing must be submitted to the Deputy Equal Employment Opportunity Officer (DEEOO). The hearing will be conducted by an EEOC Administrative Judge who will issue a decision to both parties. The Secretary of the Navy will have 40 days to issue a final order notifying you whether or not the agency will fully implement the decision. If the decision is not fully implemented, the agency must simultaneously file an appeal with EEOC. If a decision without a hearing is elected, the Secretary of the Navy will issue a final Department of the Navy (DON) decision based on the information in the existing complaint file. To request a decision without a hearing, complainants must notify the DEEOO in writing within 30 calendar days after receiving the investigative file.

If within 30 calendar days after receipt of the investigative file, a complainant fails to request a final decision from the Secretary of the Navy, with or without a hearing, a final DON decision will be issued.

If a complainant is dissatisfied with the final DON decision, s/he may file a notice of appeal to the EEOC Office of Federal Operations (OFO) within 30 calendar days after receiving the final decision.

A copy of the appeal must be provided to the DEEOO, MCIEAST/MCB Camp Lejeune. In or attached to the appeal to the EEOC, appellants must certify the date and method by which service was made on the Department of the Navy, MCIEAST/MCB Camp Lejeune's EEO Office. An appellant may submit a brief or statement in support of the appeal to OFO within 30 calendar days after filing the notice of appeal. At the same time, an appellant must furnish a copy of the supporting brief or statement to the DON.

Instead of filing an appeal to the EEOC, individuals may file a civil action in an appropriate U. S. District Court within 90 calendar days after receiving the final DON decision or, if the DON has not issued a final decision on the complaint, after 180 calendar days from the date the formal complaint was filed. Filing a civil action will result in termination of administrative processing of the discrimination complaint on the same issue raised in the civil action.

When filing a civil action under Title VII of the Civil Rights Act of 1964 as amended, or the Rehabilitation Act of 1973 as amended, and an individual does not have, or is unable to obtain the services of a lawyer, s/he may request the court to appoint a lawyer to represent them. In such circumstances as the court may deem just, the court may appoint a lawyer and may authorize the commencement of the action without the payment of fees, costs, or security. Any such request must be made within the above referenced 90 calendar-day time limit for filing suit and in such form and manner as the court may require. Filing a request for an attorney does not extend the time in which to file a civil action. Both the request and the civil action must be filed within 90 calendar days from the date s/he receive this final decision/action. If an individual decides to appeal to the EEOC, OFO, s/he will still have an opportunity to file a civil action in a federal district court within 90 calendar days after receiving the EEOC's final decision, or 180 calendar days after the date of your initial appeal to the Commission if EEOC has not rendered a final decision.
