



Notice of Right to File Mixed Complaint

TO: Name (First, MI, Last)

Re: Case No.

This notice will attest to the fact that on _____, I advised you of the actions taken concerning the alleged discrimination that you brought to my attention. If the matter that you raised during the pre-complaint counseling stage has not been resolved, you may do one of two things:

- (1) You have a right to file an appeal, in writing, with the Merit Systems Protection Board (MSPB), if you have veterans' preference status (or are covered by Public Law 100-90), and you have one or more years of current continuous service in the same or similar position, and *if* the matter that you brought to my attention during the pre-complaint processing stage concerned a removal, a suspension of more than 14 days, reduction in grade and/or pay, or a furlough of 30 days or less. Your appeal to the MSPB must be filed within 30 calendar days of the effective date of the adverse action. You may also file an appeal with the MSPB if the matter that you brought to my attention during the pre-complaint process concerned a failure to restore you to duty following your recovery from a compensable on-the-job injury, or if you claim that you were not properly restored to duty.
- (2) In the alternative, you may file a formal EEO complaint within 15 calendar days of the date you receive this notice. I am providing you with **PS Form 2565, EEO Complaint of Discrimination in the Postal Service**, for this purpose. Your complaint must be in writing, signed by you, and delivered to:



Your complaint will be deemed timely filed if it is delivered in person or postmarked before the expiration of the 15 calendar day filing period, or, in the absence of a legible postmark, if it is received by mail within 5 calendar days of the expiration of the 15-day filing period.

An EEO discrimination complaint can be processed only if the complainant alleges he or she has been discriminated against on the basis of race, color, religion, sex, national origin, age, disability or retaliation for past EEO activity. In addition, courts have ruled the complainant has the burden of presenting evidence which would give rise to an inference of discrimination. A complaint must contain the following information:

- (1) **Your name, address, position, and level;**
 - If you change your address, you have a regulatory requirement to immediately report the change to the Manager, EEO Compliance and Appeals, in your area. (*If you are employed at Postal Service Headquarters, a Headquarters Field Unit or by the Inspection Service, you should notify the EEO Appeals Review Specialist at Postal Service Headquarters.*)
- (2) **The specific action or matter complained of**, the date of occurrence, and the names of the official(s) who took the action alleged to be discriminatory;
- (3) **The specific type of discrimination alleged**, e.g., race - African American, sex - female, etc.;
 - If you allege disability discrimination, the alleged disability must be more than a temporary condition.
 - If you allege age discrimination, you must have been at least 40 years of age on the date the alleged discriminatory action occurred.
- (4) **A brief statement of the facts** that led you to believe you were discriminated against and the names of similarly situated individuals whom you believe were treated differently than you.
 - If you allege a failure to accommodate a disability or your religion, you must explain the accommodation sought and why you sought it.
 - If you allege retaliation, you must show a connection between the action about which you are complaining and your past EEO activity, and you must show that management was aware that you had engaged in protected activity when the alleged discriminatory action occurred.
- (5) **The name of the Dispute Resolution Specialist** who provided you with this notice and the date you received this Notice of Right to File.

Privacy Act Notice

Privacy Act Notice. The collection of this information is authorized by the Equal Employment Opportunity Act of 1972, 42 U.S.C. § 2000e-16; The Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 633a; the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794a; and Executive Order 11478, as amended. This information will be used to adjudicate complaints of alleged discrimination and to evaluate the effectiveness of the EEO program. As a routine use, this information may be disclosed to an appropriate government agency, domestic or foreign, for law enforcement purposes; where pertinent, in a legal proceeding to which the USPS is a party or has an interest; to a government agency in order to obtain information relevant to a USPS decision concerning employment, security clearances, contracts, licenses, grants, permits or other benefits; to a government agency upon its request when relevant to its decision concerning employment, security clearances, security or suitability investigations,

contracts, licenses, grants or other benefits; to a congressional office at your request; to an expert, consultant, or other person under contract with the USPS to fulfill an agency function; to the Federal Records Center for storage; to the Office of Management and Budget for review of private relief legislation; to an independent certified public accountant during an official audit of USPS finances; to an investigator, administrative judge or complaints examiner appointed by the Equal Employment Opportunity Commission for investigation of a formal EEO complaint under 29 CFR 1614; to the Merit Systems Protection Board or Office of Special Counsel for proceedings or investigations involving personnel practices and other matters within their jurisdiction; and to a labor organization as required by the National Labor Relations Act. Under the Privacy Act provision, the information requested is voluntary for the complainant, and for Postal Service employees and other witnesses.

Signature of Dispute Resolution Specialist	Date Issued	Your Signature	Date Received
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Dispute Resolution Specialist: If you are mailing this Notice, you must send it by Certified Mail, Return Receipt Requested.