

4.8 | ARGUMENTS ON APPEAL

If you are the appealing party, explain in this section why the previous decision was wrong. For example, did the previous decision incorrectly decide the facts? If so, what facts? If you can, you should include the specific page or pages in the record where that fact can be found. This allows the EEOC Office of Federal Operations to understand whether a factual assertion is accurate. If you do not provide supporting cites for factual statements, it is harder for the EEOC Office of Federal Operations to fairly consider the factual arguments you raise.

If you think the previous decision applied the wrong law, how should the case be decided if the EEOC applied the right law? Do you feel that there are other reasons why the previous decision was wrong? If so, what are they? If making multiple arguments, you may want to use headings to separate each argument.

If you are the party opposing the appeal, explain why the previous decision was correct.

It is important to include all of your arguments in your brief. If you later submit an additional brief, it may not be considered by the EEOC Office of Federal Operations because each party is allowed only one brief.

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