

5.2 | CITATIONS TO THE RECORD

You should follow every factual statement that you make in your brief with a citation to the record. The record contains all of the paperwork filed in the EEO process, which usually includes the report of investigation, exhibits, the administrative hearing transcript, motions, orders, and the final decision or action from the case. Citing to the record will help the EEOC Office of Federal Operations understand whether a factual assertion is accurate. If you do not provide supporting cites for every factual statement, it is harder for the EEOC Office of Federal Operations to fairly consider the issues you raise.

If you refer to documents in:

- o the Report of the Investigation, cite to them as (ROI __) and put the page number in the blank;
- o an exhibit, cite to them as (Exh. __ at __) and put the exhibit number in the first blank and the relevant page number from that exhibit in the second blank;
- o The hearing transcript, cite to them as (Tr. __) and put the page number in the blank.

For example, if you say in your brief, "The Agency denied my request for reasonable accommodation on July 14, 20XX" you should provide a citation to the record to support that statement.

- o "The Agency denied my request for reasonable accommodation on July 14, 20XX." (ROI 110). (ROI 110) means that on page 110 of the Report of Investigation, there is a document that supports the statement that you were denied a reasonable accommodation on July 14, 20XX. Page 110 may be an email from the disability program manager informing you of the denial, or an affidavit where your supervisor testified that he told you about the denial in a meeting on that date.
- o "The Agency denied my request for reasonable accommodation on July 14, 20XX." (Exh. 2b, at 3). (Exh. 2b, at 3) means that page 3 of Exhibit 2b contains a document that supports the statement that you were denied a reasonable accommodation on July 14, 20XX. Page 3 of Exhibit 2b may contain an official letter of denial of your reasonable accommodation request.
- o "The Agency denied my request for reasonable accommodation on July 14, 20XX." (Tr. 301). (Tr. 301, 346-47) means that pages 301, 346, and 347 of the hearing transcript contain



testimony that supports the statement that you were denied a reasonable accommodation on July 14, 20XX.” Page 301 may be testimony from the disability program manager recounting when the email was sent informing you of the denial. Pages 346 to 347 may be testimony from your supervisor about being copied on the email notifying you of the denial of reasonable accommodation.

When you are citing to documents contained in the Report of Investigation or other parts of the record, you do not need to attach copies of those documents to your brief. The agency is required to submit a copy of the record including: the complaint file, Report of Investigation, and any documents once the case went before an EEOC AJ (if applicable). However, if you believe there is something missing from the agency’s record, please discuss this information in your brief and, if possible, attach a copy of the document or other evidence you believe is missing.

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