



THE EEOC'S GUIDE TO APPEAL BRIEF WRITING
CHAPTER 9
(entire chapter)

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*"Guide to Appeal Brief Writing for Unrepresented Complainants
before the EEOC Office of Federal Operations"*

Chapter 9: What Happens After You File Your Appeal and Brief?

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TABLE OF CONTENTS | CHAPTER IX | WHAT HAPPENS AFTER YOU FILE YOUR...

#	Section	Title	Page
1	9.1	The Parties File Their Briefs	4
2	9.2	The EEOC Office of Federal Operations Reads the Briefs, Reviews the Record, Performs Legal Research, and Issues a Decision	5
3	9.3	How Long Will It Take for EEOC to Issue a Decision on Appeal?	6
4	9.4	How Can I Check the Status of My Appeal?	7
5	9.5	What Can I Do If I Feel the EEOC's Appellate Decision Made an Obvious Mistake?	8
6	9.6	What Happens After the Administrative Appellate Process is Over?	9
-	n/a	Appendix	11



EEOC HANDBOOK
GUIDE TO APPEAL BRIEF WRITING

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CHAPTER: 9 WHAT HAPPENS AFTER YOU FILE YOUR APPEAL AND BRIEF?

SECTIONS: 9.0 through 9.5



9.1 | THE PARTIES FILE THEIR BRIEFS

If you file an appeal, the Agency may submit an opposition brief. At times, EEOC may request additional information or missing documents from the parties.

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9.2 | THE EEOC OFFICE OF FEDERAL OPERATIONS READS THE BRIEFS, REVIEWS THE RECORD, PERFORMS LEGAL RESEARCH, AND ISSUES A DECISION

An attorney in the EEOC Office of Federal Operations will be assigned to your appeal. The attorney will carefully review the record that was sent by the agency, read the briefs and understand the arguments raised in those briefs, perform legal research, and issue decisions.

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9.3 | HOW LONG WILL IT TAKE FOR EEOC TO ISSUE A DECISION ON APPEAL?

Due to the volume of appeals, we cannot predict how quickly you will receive your decision on your appeal. Usually, the EEOC Office of Federal Operations issues a decision on a “procedural” appeals within 6-10 months after the filing of the appeal. A decision on a “merits” appeal, where a previous decision determined whether discrimination occurred, typically takes more time.

If the case is complicated or there is disagreement on the outcome, it may take longer.

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9.4 | HOW CAN I CHECK THE STATUS OF MY APPEAL?

If you are registered on the EEOC Public Portal (<https://publicportal.eeoc.gov>), you can check the status of your appeal on the Portal through your account. Telephone and email status inquiries simply provide the same information as is available on the Public Portal.

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9.5 | WHAT CAN I DO IF I FEEL THE EEOC'S APPELLATE DECISION MADE AN OBVIOUS MISTAKE?

If you wish to dispute the appellate decision issued by the EEOC Office of Federal Operations, you may file a "request for reconsideration" with the EEOC.

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9.6 | WHAT HAPPENS AFTER THE ADMINISTRATIVE APPELLATE PROCESS IS OVER?

o EEOC Office of Federal Operations Decides in Your Favor

If you prevailed on a “procedural” appeal, your complaint will most likely be sent back either to the agency or to an EEOC administrative judge for further proceedings, depending on where your complaint was in the EEO process before it was dismissed. A compliance officer in the EEOC Office of Federal Operations will monitor developments to make sure the Agency complies with the orders in the appellate decision.

If you prevailed on a “merits” appeal, your complaint will most likely be sent back either to the agency or to an EEOC administrative judge to determine what type and amount of relief to award you. If you later disagree with the relief you received, you can appeal the relief ordered to the EEOC Office of Federal Operations. A compliance officer in the EEOC Office of Federal Operations will monitor developments to make sure the Agency complies with the orders in the appellate decision.

o EEOC Office of Federal Operations Decides in the Agency’s Favor

If you did not prevail in your case, you may file a civil action in federal district court. The decision issued by the EEOC Office of Federal Operations will provide information on your right to file a civil action.

However, the question of which federal district court may have personal and subject matter jurisdiction to hear your case is legal in nature, and the answer will depend on the specific circumstances surrounding your situation. Additionally, each federal district court may have its own specific rules and procedures and forms for filing civil actions, so you should contact the clerk of that district court to find out what you need to do to file a civil action. Because of these nuances, and because EEOC is an executive branch agency and the federal district courts are part of the judicial branch with its own procedures and legal rules, the EEOC Office of Federal Operations cannot provide complainants specific instructions in its appellate decisions for where or how to file civil actions.

However, some of these resources may be helpful:



- The US Department of Justice publishes a Civil Resource Manual, and one section talks about where civil actions can be brought against government officers and agencies: <https://www.justice.gov/jm/civil-resource-manual-41-venue-government-officers-and-agencies-defendants>
- The website for the United States Courts has an FAQ that answers some of the most common questions about filing a case in federal court: <https://www.uscourts.gov/faqs-filing-case>
- The United States Courts website has a "federal court finder" where you can search for a federal court by location: <https://www.uscourts.gov/federal-court-finder/search>

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APPENDIX



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1	Original Source	EEOC.gov

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Congratulations! You're now ***booked up*** on **Chapter 9** from the EEOC's Guide to Appeal Brief Writing!

