

CHAPTER 9

APPEALS TO THE COMMISSION

I. INTRODUCTION

Section 1614.401(a)-(c) identifies those entitled to file appeals to the Commission. Section 1614.402(a) provides that appeals to the Commission must be filed by an appellant **within thirty (30) days¹⁰** of receipt of an agency's dismissal, final action, or decision. If the complainant is represented by an attorney of record, the 30-day time limit shall begin to run from the date of receipt by the attorney of the notice of dismissal, final action, or final decision. If an agency determines not to implement the decision of an Administrative Judge either in full or in part, it must notify the complainant of its determination in a final order issued **within forty (40) days** of its receipt of the Administrative Judge's decision and it must simultaneously file an appeal with the Commission. All such appeals must be filed with the Commission at the following address:

Equal Employment Opportunity Commission
Office of Federal Operations
P.O. Box 77660
Washington, DC 20013

As an alternative to mailing, appeals may be hand-delivered to:

Equal Employment Opportunity Commission
Office of Federal Operations
131 M Street, NE
Suite 55W12G
Washington, DC 20507

As a further alternative, appeals may be sent by fax to:

(202) 663-7022

The appellant shall furnish a copy of the appeal to the opposing party at the same time it is filed with the Commission. In or attached to the appeal to the Commission, the appellant must certify the date and method by which service was made on the opposing party.

The individual appellant should use EEOC Form 573, Notice of Appeal/Petition. A copy of the Form is attached as Appendix K to this Management Directive. The agency shall attach a copy of EEOC Form 573 to all decisions, actions, and dismissals of equal employment complaints. The Commission has prepared a separate form that agencies may use to file appeals with the Commission. A copy of that form is attached as Appendix O.

II. ADVISING THE PARTIES OF THEIR APPEAL RIGHTS

A. Rights Following Administrative Judge Issuance of a Decision

1. Merits/Class Certification Cases

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