



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
MANPOWER AND RESERVE AFFAIRS
111 ARMY PENTAGON
WASHINGTON, DC 20310-0111

September 15, 2025

EEOCCR



Complaint of Phillip [REDACTED] v.
Daniel P. Driscoll, Secretary of the Army
DA Docket Number: [REDACTED]

Dear Mr. Moelker:

This is the Department of the Army's final decision in your client's (hereafter "Complainant") equal employment opportunity (EEO) complaint, which was filed on October 13, 2023 with [REDACTED] EEO Office.

Final Decision

Pursuant to my authority to decide this matter on behalf of the Secretary of the Army, I find Complainant was not the victim of discrimination based upon the evidence in the case file and for the reasons cited below. Since Complainant is not a prevailing party, he is not entitled to any relief, including attorney's fees or costs.

Procedural and Factual Background

Complainant claimed he was discriminated against based upon religion (Evangelical traditional Christian) when:

- a. On February 28, 2023, Complainant's supervisor, Angela Shackelford, denied his requested Reasonable Accommodation based on Religion by directing him to complete mandatory Army "EEO - Anti-Harassment and No Fear - Training for Non-Supervisors" training;
- b. On February 28, 2023, in the letter from Ms. Shackelford, Complainant was told to utilize requested pronouns in the workplace without regard to his personal religious beliefs; and

- c. On February 28 2023, in the same letter, Ms. Shackelford discounted Complainant's religious beliefs, and implied that his religious views themselves equated to discrimination and not showing dignity and respect.

[REDACTED]

Complainant emailed Ms. Shackelford a reasonable accommodation request on February 15, 2023, requesting an exemption to mandatory training. Specifically, Complainant requested to not respond to a question on slide 68 in the EEO Anti-Harassment and No Fear Training for non-supervisors. The question, "with issues of gender identity, Managers and Employees should use the proper name and pronoun appropriate to the employee when communicating with or about the employee," required the answer of True, which would require him to agree to something contrary to his religious beliefs. On February 28, 2023, via email, Ms. Shackelford denied Complainant's request for accommodation (see emails at IF pp 56-59, 60-64).

I note that an investigation was conducted by the Department of Defense Investigations and Resolutions Directorate. Complainant was notified of the option to request either a hearing before an Equal Employment Opportunity Commission (EEOC) Administrative Judge (AJ) or a final Army decision based upon the evidence in the case file. This decision is issued pursuant to Complainant's request for a final agency decision based upon the evidence of record.

Legal Framework

In any proceeding, either judicial or administrative, involving a charge of discrimination, it is Complainant's burden to prove that prohibited discrimination was the motivating factor in the actions or policies challenged. To satisfy this burden by circumstantial evidence, Complainant must first establish a *prima facie* case of discrimination. See *McDonnell Douglas Corporation v. Green*, 411 U.S. 792 (1973); *Furnco Construction Company v. Waters*, 438 U.S. 567 (1978). This means that Complainant must present a body of evidence such that, were it not rebutted, the finder of fact could conclude that unlawful discrimination did occur.

The analysis in *McDonnell Douglas* prescribes that if Complainant meets his burden of presenting a *prima facie* case, then the employer or Agency must articulate some legitimate, nondiscriminatory reason(s) for its actions. That is, the employer must "...introduce evidence which, *taken as true*, would *permit* the conclusion that there was a nondiscriminatory reason for the adverse action." *St. Mary's Honor Center v. Hicks*, 509 U.S. 502, 509 (1993). Once the employer or Agency carries this burden of

production, the presumption of discrimination created by the *prima facie* finding “drops from the case.”

Complainant then must demonstrate that the proffered reason was not the true reason for the employment decision and that unlawful discrimination was. Complainant retains the ultimate burden of persuading the finder of fact that the Agency intentionally discriminated against Complainant.

To establish a *prima facie* case of discrimination based upon race, color, national origin, religion, sex, or age, Complainant must show: (1) that he is a member of a group(s) protected by Title VII of the Civil Rights Act of 1964, as amended; (2) that he was adversely affected by an agency personnel decision, action or change; and (3) that he was treated less favorably than similarly situated individuals outside of his protected group(s) or, in the alternative, that there is some other evidence raising an inference of prohibited discrimination.

Harassment is defined as ongoing and continuous, rather than isolated or sporadic conduct, which creates a hostile work environment, so pervasive that a reasonable person would find it hostile and abusive. *See Harris v. Forklift Systems, Inc.*, 510 U.S. 17 (1993). The severity of the alleged harassing acts must be determined from the totality of the circumstances. *See Gilbert v. City of Little Rock*, 722 F.2d 1390, 1394 (8th Cir. 1983). The U.S. Supreme Court has held that a violation of Title VII may be predicated on either of two (2) types of harassment: (1) that which results in a tangible personnel action, and (2) that which, while not directly affecting economic benefits, creates a hostile and offensive work environment because of one’s protected group status. *See Meritor Savings Bank F.S.B. v. Vinson*, 477 U.S. 57, 62-67 (1986).

To establish a *prima facie* case Complainant must show: (1) that he is a member of a group protected under Title VII of the Civil Rights Act of 1964, as amended; (2) that he was subjected to unwelcome verbal or physical conduct; (3) that the harassment complained of was based on his protected group status; (4) that the harassment complained of affected a “term, condition or privilege of employment,” i.e., the conduct must be sufficiently severe as to alter the conditions of employment and create an abusive work environment; and (5) that the employer knew or should have known of the harassment in question and failed to take prompt remedial action.

For harassment to be considered discriminatory, it must be severe or pervasive. *Harris v. Forklift Systems, Inc.*, 510 U.S. 17; 114 S.Ct. 367 (1993). Actual psychological or emotional injury is not required. *Harris*, p 22. However, unless the conduct is very severe or persistent, a single incident or group of isolated incidents will not be regarded as discriminatory harassment. *See e.g. Scott v. Sears Roebuck and Co.*, 798 F.2d 210, 41 FEP Cases 805 (7th Cir. 1986); *Hansen v. Rice*, EEOC Appeal No. 01920621 (September 10, 1992). Harassment, as the term is used in Title VII cases, refers to more than being subjected to stress.

Prima Facie Case Analysis

The EEOC has stated that in cases when the agency has established a legitimate, nondiscriminatory reason for its actions in meeting its burden on the merits, consideration of a *prima facie* case is not necessary. The EEOC has stated that the issue of discrimination may be resolved by determining whether the agency's reasons were a pretext for discrimination. *United States Postal Service Board of Governors v. Aikens*, 460 U.S. 711 (1993); see also *Thompson v. GSA*, EEOC Appeal No. 01953924 (March 13, 1997). Accordingly, we will proceed with the analysis, assuming for argument's sake, that a *prima facie* case of discrimination has been established.

Management's Nondiscriminatory Reasons

Assuming, for the sake of argument, that Complainant had met his burden to establish a *prima facie* case on the basis claimed, management's responses have been examined and found to be legitimate and nondiscriminatory. Specifically, management's witnesses asserted the following reasons:

Ms. Shackelford stated she understood Complainant to be Christian. She has worked with him for 21 years and he has been expressive of his faith within the workplace. Ms. Shackelford attended the same church as Complainant for a brief period and engaged in discussions of faith with him (IF p 199).

Ms. Shackelford stated she met with Complainant on February 10, 2023, at his request. Complainant explained that from a Christian moral perspective, he could not take the EEO Anti-Harassment and No Fear training because the training would not allow him to advance past a True/False question about using preferred pronouns. She recalled he stated for a transitioning or transgender employee, he must call them by their God given gender and appealed to her as a fellow Christian to stop this left-wing agenda. Ms. Shackelford stated she responded that as a supervisor it was her duty to ensure dignity and respect for all people in the organization and that meant calling people by their preferred name and pronouns. She outlined several ways to assist Complainant in following his religious objections to the training, including putting him in contact with the EEO office, informing him he could seek an exemption to the training, offering to set up a conference call with the Commander, suggesting contacting a chaplain to discuss the matter, and informing him that he only needed to complete 80% of training to be successful for training requirements. She stated Complainant elected to request an exemption from the training, so she contacted the legal office, who requested a written request from Complainant. Complainant submitted his written request, which she provided to the legal office. (IF pp 198-201).

Ms. Shackelford stated she was provided a draft denial response to Complainant's request from the legal office and sent the response verbatim to Complainant. Ms. Shackelford stated the training at issue provides the Army standards

as to what will or will not be tolerated within the workplace with respect to transgender employees. Ms. Shackelford stated Complainant objected to the requirement to utilize preferred pronouns and shared he would continue to escalate his request. She asserted Complainant had not been required to utilize requested pronouns within the workplace and had not been disciplined for refusing to use requested pronouns. She denied discounting Complainant's religious beliefs. (IF pp 200-204).

Management's explanations for its actions are reasonable and nondiscriminatory. See *Texas Department of Community Affairs v. Burdine*, 450 U.S. 248, 253 (1981).

Pretext

It remains for Complainant to show that, in spite of the articulated non-discriminatory explanation, an overall inference of discrimination can be discerned by a preponderance of the evidence. *U.S. Postal Service Board of Governors v. Aikens*, 460 U.S. 711, 714-17 (1983). In other words, Complainant must show that the Army was "more likely motivated by discriminatory reasons, [citation omitted]" than not. *Hill v. Social Security Administration*, EEOC Appeal No. 01970512 (June 8, 2000). Or, Complainant may show that the proffered explanation of the Army is unworthy of credence. *Texas Department of Community Affairs v. Burdine*, 450 U.S. 248, 256 (1981). Essentially, the record must show that the Army articulated a false reason and that its real reason was discrimination. *St. Mary's Honor Center v. Hicks*, 509 U.S. 502, 515 (1993). However, courts have held that it does not matter whether the information upon which management acted was correct. An employer may act for a good reason, a bad reason, or no reason at all, provided that the employer is not motivated by a discriminatory reason. See *Sweeney v. Department of the Army*, EEOC Appeal No. 01942331 (March 10, 1995) citing *Nix v. WLCY Radio/Rahall*, 738 F.2d 1181, 1187 (11th Cir. 1984).

At this stage of the analysis, according to the United States Supreme Court, the burden of the Army is not onerous. *Burdine, supra*, 450 U.S. at 254-256. See also *Rosser v. Department of Transportation*, EEOC Appeal No. 01970650 (December 12, 1999). Even if Complainant showed, for the sake of argument only (because Complainant have not done so), that the Army engaged in an action that was an unsound business decision, was unfair, or was motivated by an ill feeling or arbitrariness, that is insufficient to show pretext. *Keyes v. Secretary of the Navy*, 853 F.2d 1016, 1026 (1st Cir. 1988).

Complainant did not provide, nor does the record reveal, persuasive evidence to support his claim that his religious accommodation request was wrongfully denied or that management discounted or disrespected his religious beliefs by denying his request. To establish a *prima facie* case of religious discrimination based on failure to accommodate, Complainant must show that (1) he holds a bona fide religious belief, (2) he informed the Agency of the conflict, and (3) he was disciplined or otherwise

adversely affected for failing to comply with a conflicting requirement. While we find that Complainant's belief is sincere and that he notified the Agency, the record does not show that he suffered an adverse action; rather, he was required only to complete mandatory anti-harassment training by answering a question reflecting Agency policy. Moreover, even if a *prima facie* case were established, the Agency demonstrated that excusing Complainant from the training would impose an undue hardship by undermining its legal obligation to ensure employees understand and comply with EEO laws and policies, which exceeds the "substantial increased costs or burdens" threshold clarified in *Groff v. DeJoy*, 600 U.S. 447 (2023). See also *Barrett v. Department of Agriculture*, EEOC Appeal No. 2019005478 (Mar. 7, 2024) (denial of exemption from civil rights training did not violate Title VII where training required only acknowledgment of policy, not endorsement).

Complainant has not shown that the explanation of the Army for its actions was simply a pretext for discrimination. Mere speculation and/or conjecture that the Army had a discriminatory motive without proof are insufficient for proving pretext. See *Autry v. North Carolina Department of Human Resources*, 820 F.2d 1384, 1386 (4th Cir. 1987); ("the fact-finder must not be permitted to engage in surmise and conjecture but rather causation must be shown by probability rather than mere possibility"); *Lovelace v. Sherwin-Williams Co.*, 681 F.2d 230, 241-46 (4th Cir. 1982). A suspicion or mere allegation of a discriminatory motive is not enough.

Complainant's allegations are general and unspecific as they relate to his efforts to provide a connection between the action taken and unlawful discrimination. They are, furthermore, unsupported by the totality of the record. In other words, there is nothing that shows by a preponderance of the evidence that the legitimate explanations given by the Army were pretexts for discrimination. *Hammons v. HUD*, Request No. 05971093, EEOC Appeal No. 01955704 (May 5, 1999).

Other than Complainant's initial assertions, he has presented no direct evidence, no corroborating testimony from another witness, and no documentation which would confirm Complainant's claim that management's actions were based upon his protected group status. Hence, management's nondiscriminatory reasons have not been proven to be a pretext for illegal discrimination.

Hostile Work Environment

Based on the analytical framework described above for hostile work environment cases, the record does not support the conclusion that Complainant was subject to a hostile work environment because of the Complainant's protected bases, or that the conduct of which the Complainant complains was sufficiently severe or pervasive to violate the law.

Alleged Unwelcome Conduct Not Motivated By Discriminatory Motive

In assessing whether an environment is unlawfully hostile or abusive, the factfinder “look[s] at all the circumstances.” *Harris*, 510 U.S. 17 at 23. In order to support his claim of hostile work environment harassment, Complainant must establish by a preponderance of the evidence that the treatment to which he was subjected was based on his protected bases. As explained above, there is insufficient evidence to link management’s decisions concerning claims to Complainant’s protected bases. Because the same analysis is considered in this element of Complainant’s *prima facie* case of hostile work environment harassment, Complainant cannot satisfy his burden to establish management’s alleged conduct was motivated by discriminatory *animus*.

Alleged Conduct Not Severe or Pervasive

Moreover, even taking the alleged conduct as true, when considered cumulatively, it was not so severe or pervasive as to rise to the level of a hostile work environment that violates the law. What Complainant has described, although it may have been frustrating, does not rise above and beyond “ordinary tribulations of the workplace” to reach the level of extreme conduct actionable under Title VII. See *Faragher v. City of Boca Raton*, 524 U.S. 775, 788 (1998). Management’s actions regarding these matters were neither hostile nor abusive in nature, but rather constituted normal and routine managerial responses to an ordinary workplace problem. Accordingly, these actions do not support Complainant’s claim that management created a discriminatory hostile work environment.

Overall, Complainant’s allegations of harassment are an attempt to strip the Agency of its prerogative to manage. Most of Complainant’s alleged examples of harassment are simply Complainant’s disagreement with management’s judgment and fundamental duty to manage work and employees. Moreover, it is not the job of the trier of fact to second-guess an employer’s business decision and the fairness of those decisions, as long as the business is conducted in a nondiscriminatory manner. See, *Sanchez v. Phillip Morris, Inc.*, 992 F.2d 244 (10th Cir. 1993), *Texas Department of Community Affairs v. Burdine*, *supra*.

Conclusion

Pursuant to my authority to decide this matter on behalf of the Secretary of the Army, I find that Complainant was not the victim of discrimination based upon the evidence in the case file and for the reasons cited above.

Since Complainant is not a prevailing party he is not entitled to any relief, including attorney’s fees or costs.

If Complainant is not satisfied with this decision, his appeal rights follow:

APPEAL RIGHTS

1. Complainant may file a Notice of Appeal with the Equal Employment Opportunity Commission (EEOC or Commission), Office of Federal Operations (OFO) at any time up to thirty (30) calendar days from receipt of this Final Agency Decision (FAD). The appeal may be filed via the EEOC's Public Portal, U.S. mail, or hand-delivery.

- a. Appeals submitted electronically should be completed by visiting the Federal Sector EEO Portal at <https://publicportal.eeoc.gov/portal/login.aspx>. **See warning below and detailed instructions** (Enclosure 1).

WARNING!

Attorneys and non-legal representatives MUST NOT use the EEOC Public Portal to file appeals on behalf of their clients because the system will incorrectly list the representative as Complainant. Therefore, complainants MUST file appeals themselves through the EEOC Public Portal, regardless of whether they are represented.

- b. Appeals submitted by mail should be completed by using EEOC Form 573 (Enclosure 2) and forward to:

Director
U.S. Equal Employment Opportunity Commission
Office of Federal Operations
P.O. Box 77960
Washington, DC 20013
Fax No. 202-663-7022

- c. As an alternative to mailing the appeal, the appeal may be hand-delivered to:

Equal Employment Opportunity Commission
Office of Federal Operations
One NOMA Station
131 M Street N.E., Suite 5SW12G
Washington, DC 20507-0004

Complainant may opt to have all submissions and communications between the parties in this matter and the EEOC OFO submitted and communicated digitally, via the Public Portal/FedSEP at <https://publicportal.eeoc.gov/Portal/Login.aspx>. The EEOC OFO will otherwise communicate with Complainant by U.S. Mail.

2. Any statement or brief in support of Complainant's appeal must be submitted to the OFO within 30 calendar days of filing the notice of appeal. The OFO will accept statements or briefs in support of an appeal by facsimile transmittal, provided they are no more than 10 pages long.

3. At the same time information is provided to the Commission, the Complainant MUST also furnish a copy of the appeal, and any supporting statements or briefs, to the Agency. In or attached to the appeal and any supporting statements or briefs to the Commission, the Complainant MUST certify the date and method by which service was made to the Agency, in this case the Directorate of EEO Compliance and Complaints Review (EEOCCR), at the address below:

Director
Department of the Army
Equal Employment Opportunity Compliance and Complaints Review
ATTN: SAMR-EO-CCR
5825 21st Street
Building 214, Room 129
Fort Belvoir, VA 22060-5921
Fax No. (703) 805-8722
Email: usarmy.pentagon.hqda-asa-mra.mbx.eeoCCR@army.mil

Submissions to EEOCCR may be made either by U.S. Mail or by emailing the EEOCCR Emailbox. The EEOCCR will communicate with Complainants via email when available, using U.S. Mail when Complainant's email address is unavailable.

Please also furnish a copy of the appeal and supporting statements or briefs to the Agency Representative at the address listed on the Certificate of Service (Enclosure 3) at the same time they are filed. The regulation providing for appeal rights is contained in Title 29, C.F.R., Part 1614 Subpart D. The Code of Federal Regulations is available at <https://www.eeoc.gov/eeoc-regulations>.

4. The thirty (30) calendar day time period within which to appeal will be calculated from the date of receipt of this FAD. If Complainant is represented by an attorney of record, the thirty (30) calendar day time period within which to appeal shall be calculated from the date of receipt by the attorney. In all other cases, the time within which to appeal shall be calculated from Complainant's receipt of the FAD.

5. If an appeal is not filed within the prescribed time limit, it may be dismissed as untimely by the Commission. The Commission will deem the appeal filed on the day it is faxed, delivered in person, or postmarked. In the absence of a legible postmark, the appeal will be deemed filed on the date it is received.

CIVIL ACTION

1. Deadline to File Suit. In lieu of an appeal to the Commission, Complainant may file a lawsuit in the appropriate United States District Court.

Complainant is authorized under Title VII, the Age Discrimination in Employment Act (ADEA), and the Rehabilitation Act to file a civil action in an appropriate United States District Court:

- a. Within ninety (90) calendar days of receipt of the FAD on an individual or class complaint if no appeal to the Commission has been filed;
- b. Within ninety (90) calendar days of receipt of the Commission's final decision on appeal; or,
- c. After 180 calendar days from the date of filing an appeal with the Commission if there has been no final decision by the Commission.

Complainant must file the lawsuit **WITHIN NINETY (90) CALENDAR DAYS** of the date of receipt of this FAD, unless Complainant has appealed the case to the Commission. Failure to file a lawsuit within ninety (90) calendar days of receipt of this FAD may result in the dismissal of the suit. Filing a civil action shall terminate Commission processing of the appeal. If a private suit is filed subsequent to the filing of an appeal, the parties are requested to notify the Commission in writing.

2. Proper Defendant. Complainant is further notified that if he files a civil action, he **MUST** name the appropriate Department or Agency head as the defendant and his or her official title. **DO NOT NAME JUST THE AGENCY OR DEPARTMENT**. Failure to name the head of the Department or Agency or to state his or her official title may result in the dismissal of the case. The appropriate agency is the Department of the Army. The head of the Department of the Army is the Honorable Daniel P. Driscoll, Secretary of the Army.

RIGHT TO COUNSEL

If Complainant chooses to file a lawsuit and does not have an attorney or is unable to obtain one, he may request the court to help Complainant locate an attorney to represent Complainant. The clerk's office of the nearest U.S. District Court is the best place to contact in order to find out if the court can help Complainant locate an attorney. If Complainant cannot afford an attorney, the clerk's office will explain how Complainant may request the court to appoint an attorney to represent Complainant without payment of any fees or costs. If Complainant needs this kind of help, Complainant should contact the court as soon as possible, but no later than ninety (90) calendar days from the date Complainant receives this FAD. **THE NINETY (90) CALENDAR DAYS TO FILE SUIT**

WILL NOT BE EXTENDED WHILE COMPLAINANT ATTEMPTS TO OBTAIN AN ATTORNEY. IF COMPLAINANT IS GOING TO FILE A LAWSUIT, COMPLAINANT MUST DO SO WITHIN NINETY (90) CALENDAR DAYS WITH OR WITHOUT AN ATTORNEY.

Docket Number

The docket number identified on Page 1 of this letter should be used on all correspondence.

Sincerely,

Kimberly A. Loder-Albritton

Kimberly A. Loder-Albritton
Director, Equal Employment Opportunity
Compliance and Complaints Review

Enclosures

Electronically Appealing this Agency Decision, Associating an Attorney/Representative and Submitting Documentation Using the EEOC Public Portal

The decision you have just received may be appealed to the Equal Employment Opportunity Commission (EEOC). As an alternative to mailing in your appeal, you may now file it using EEOC's Public Portal.

WARNING!

Attorneys and non-legal representatives MUST NOT use the EEOC Public Portal to file appeals on behalf of their clients because the system will incorrectly list the representative as the complainant. Therefore, complainants MUST file appeals themselves through the EEOC Public Portal, regardless of whether they are being represented in their appeal.

Here are the instructions for filing your appeal in the EEOC Public Portal:

1. The first step is registering for the Public Portal (if you are already registered in the Public Portal, you may skip to #5 below). Go to <https://publicportal.eeoc.gov/Portal/Login.aspx>, and click on the **Register** link on the upper, right-hand side of the page.



2. Read the EEOC Public Portal's Privacy Policy and click on the **OK** button.
3. Fill out the requested information, being sure to enter the information for the required fields designated by the red asterisk (*). Please note that when you enter your Zip Code and press the **Tab** key, your City and State should auto-populate. Once you enter your email address, click the **Tab** key and then select **Validate**. The Portal will then send an email containing a verification code to the email address you entered. Go to that email account, open the email from "U.S. Equal Employment Opportunity Commission," copy or take note of the code, go back to the Create Account page, paste or enter the code in the box provided, and click **Submit**.

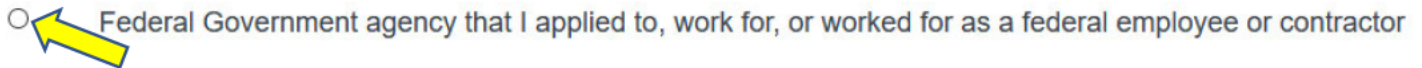
A screenshot of the "Email Code Verification" window. It contains the text: "Enter the email verification code sent to your email. If you cannot find this email in your inbox, please check your Spam folder." Below this text is a text input field containing the number "886189". To the right of the input field are two buttons: "Submit" and "Cancel".

4. Enter at least one telephone number, enter a password twice (to confirm), select and provide the answer to two Security Questions, and click **Submit**. You will then be brought back to the Public Portal Home page.
5. Click on the **Filing with EEOC** icon.



Filing with EEOC

6. In the resulting page, click on the circle next to **Federal Government agency that I applied to, work for, or worked for as a federal employee or contractor**, and then click **Next**.



7. Read the information provided and click on any links of interest. When done, click **Next**.
8. In the resulting page, click on the circle next to **File a new appeal**. Then click **Next**.
9. Read the information on the next screen. Then click **Next**.
10. A **Confirmation** pop-up will appear reminding you that the EEOC Public Portal does not permit attorneys or representatives to file an appeal on behalf of a complainant. If you, as complainant, are filing the appeal, click **Yes**. If you are an attorney or representative, click **No** and instead have complainant file on their own behalf, naming you as their attorney or representative.
11. Read the information you will need to provide to the EEOC. Make sure that it is available so that you can answer the next questions. When you have gathered that information, click **Next**.
12. Review the **Information about you** page to ensure that it is correct. Upon confirming the information is accurate, click **Continue**.
13. If you **do not** have an attorney or representative, click on the circle for **No**, and click **Next** [*You may skip to #16 below*]. **IF YOU ARE REPRESENTED BY AN ATTORNEY OR REPRESENTATIVE**, click on the circle for **Yes**, and click **Next**.
14. Fill out the required information designated with a red asterisk (*) (again, when you enter your attorney's/rep's Zip code and hit the **Tab** key, the City and State information will auto-populate), and when complete, click **Next**. The system will send a message to the email address you provided for your attorney/representative asking that they verify that they are representing you.

Representative Information

(By providing this information you authorize EEOC to verify this person represents you.)

Is this person an attorney? * ☒ Yes ☐ No

Prefix:	<input type="text"/>		
First Name: *	<input type="text" value="Amy"/>	Middle:	<input type="text"/>
Last Name: *	<input type="text" value="Attorney"/>	Suffix:	<input type="text" value="Esq."/>
Address(1): *	<input type="text" value="123 Lawyer Lane"/>	Address(2)	<input type="text"/>
Country: *	<input type="text" value="United States of America"/>	Zip Code:	<input type="text" value="20036"/>
City	<input type="text" value="WASHINGTON"/>	State:	<input type="text" value="District Of Columbia"/>
Phone Number:	<input type="text" value="(202) 555-8000"/>	<small>(At least one phone number must be entered*)</small>	
Cell Number:	<input type="text" value="e.g., 1234567890"/>	Email: *	<input type="text" value="ether42@netscapezs.com"/>

[Next](#)[Back](#)[Return Home](#)

15. In the resulting screen you can add another attorney/representative as necessary or edit the information of an existing attorney/representative. When complete, click **Next**.

16. On the **Agency Information** page, fill out the required information designated with a red asterisk (*) (again, when you enter the agency facility's Zip code and click **Tab**, the City and State information will auto-populate). **When selecting the agency named in your complaint, be sure to select the appropriate component against which you brought your EEO complaint.** You can begin typing the agency/component and select it when it appears, or click on the magnifying glass icon and select the agency/component from the resulting list. The **Agency Complaint number** is the number assigned by the agency against which you filed the complaint – not the EEOC Hearing number. When complete, click **Next**.

Agency Information

Agency named in your complaint:*

ZZ FEDSEP TEST AGENCY X

Agency Complaint number:*

EEO-1234

Insert

Location of duty station or local facility in which the complaint arose:*

Address1 Address2

Country/Region* Zip Code

United States of America 20036

City* State

WASHINGTON District Of Columbia

Next Back Return Home

17. In the second **Agency Information** page, answer the required information designated with a red asterisk (*). If you requested a hearing before an EEOC Administrative Judge (whether/not a hearing was held), be sure to enter the Hearing Number assigned to your request. When complete, click **Submit Appeal**.
18. The EEOC Public Portal will send to the email address you entered into the Public Portal an initial letter acknowledging your appeal request and providing you with next steps and links to helpful resources.

How to View Documents and Add Documents to Your Appeal

After electronically filing your appeal, you (and your attorney or representative if you have added them to your appeal) can then add documents that EEOC can use to determine whether the appeal is appropriate, and/or that helps support your appeal.

1. While still logged in, or after having again logged in to the Public Portal, click on the **My Cases** icon.



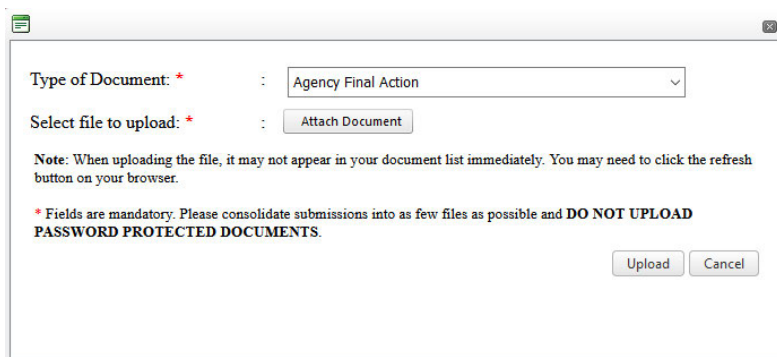
My Cases


2. Click on the link for the Appeal Number for which you are submitting documentation.

3. In the resulting **My Case** page, you can read the current status of your appeal, add or update attorneys/representatives, and, as directed by the information contained in the **My Documents** section, upload or review existing documentation.
4. To review existing documentation, click on the link for the particular file. Once you click **OK** acknowledging that it may take a while to download, you will be prompted to open the file in the appropriate program, usually Adobe Acrobat, or some other PDF reader. Once you click on your preferred program and click **OK**, the document will open for your review. If you wish, you can save the file to your computer. You can do this for any of the files listed in the **My Documents** section.
5. To add documentation to your appeal, e.g., the agency's final decision on your EEO complaint (**adding this document is strongly recommended**), supporting evidence, or (as permitted by EEOC's regulations) a statement or brief in support of your appeal), click on the **Upload** icon.

Upload

6. In the resulting window, select from the **Type of Document** drop-down what kind of document you are adding (e.g., "**Appeal**" if you wish to upload the EEOC Form 573 Notice of Appeal/Petition; "**Agency Final Action**" for the agency's decision on your EEO complaint), and then click on the **Attach Document** button. **DO NOT UPLOAD PASSWORD-PROTECTED DOCUMENTS.**

A screenshot of a web application window for uploading documents. It features a 'Type of Document' dropdown menu set to 'Agency Final Action' and a 'Select file to upload' button labeled 'Attach Document'. A note below states: 'Note: When uploading the file, it may not appear in your document list immediately. You may need to click the refresh button on your browser.' A mandatory field warning reads: '* Fields are mandatory. Please consolidate submissions into as few files as possible and DO NOT UPLOAD PASSWORD PROTECTED DOCUMENTS.' At the bottom right are 'Upload' and 'Cancel' buttons.

7. You will then be presented with a **File Upload** screen, where you can navigate to where the file you wish to upload is located, select the file, and click **Open**. The file name will then appear in the **Select file to upload** window. Click **Upload**.
8. If the document you uploaded doesn't immediately appear in the list of documents, click once or twice on your browser's **Refresh** icon.  Then the document will appear in the list.
9. The Public Portal will send you and any attorneys/representatives you have added an email indicating that your document was successfully added to the appellate record.
10. Repeat Steps 5 through 8 for any other documentation you wish to upload. **Rather than submitting multiple, separate documents individually, make every effort to combine your documents into a single file.** For example, if you want to submit a statement in support of your appeal, and your statement refers to exhibits, combine the statement and exhibits into one document, and then submit that one document. Doing so allows for more efficient and effective review of your appeal file. We note that there are multiple smart phone apps available that allow you to "scan" multiple-page documents into a single digital file.

**NOTICE OF APPEAL/PETITION
TO THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**
OFFICE OF FEDERAL OPERATIONS
P.O. Box 77960
Washington, DC 20013

Complainant Information: (Please Print or Type)

Complainant's name (Last, First, M.I.):	
Home/mailling address:	
City, State, ZIP Code:	
Daytime Telephone # (with area code):	
E-mail address (if any):	

Attorney/Representative Information (if any):

Attorney name:	
Non-Attorney Representative name:	
Address:	
City, State, ZIP Code:	
Telephone number (if applicable):	
E-mail address (if any):	

General Information:

Name of the agency being charged with discrimination:	
Identify the Agency's complaint number:	
Location of the duty station or local facility in which the complaint arose:	
Has a final action been taken by the agency, an Arbitrator, FLRA, or MSPB on this complaint?	<input type="checkbox"/> Yes; Date Received _____ (Remember to attach a copy) <input type="checkbox"/> No <input type="checkbox"/> This appeal alleges a breach of settlement agreement
Has a complaint been filed on this same matter with the EEOC, <u>another</u> agency, or through any <u>other</u> administrative or collective bargaining procedures?	<input type="checkbox"/> No <input type="checkbox"/> Yes (Indicate the agency or procedure, complaint/docket number, and attach a copy, if appropriate)
Has a civil action (lawsuit) been filed in connection with this complaint?	<input type="checkbox"/> No <input type="checkbox"/> Yes (Attach a copy of the civil action filed)

NOTICE: Please attach a copy of the final decision or order from which you are appealing. If a hearing was requested, please attach a copy of the agency's final order and a copy of the EEOC Administrative Judge's decision. Any comments or brief in support of this appeal **MUST** be filed with the EEOC **and** with the agency **within 30 days** of the date this appeal is filed. The date the appeal is filed is the date on which it is postmarked, hand delivered, or faxed to the EEOC at the address above.

Signature of complainant or complainant's representative:	
Date:	

PRIVACY ACT STATEMENT

(This form is covered by the Privacy Act of 1974. Public Law 93-597. Authority for requesting the personal data and the use thereof are given below.)

1. **FORM NUMBER/TITLE/DATE:** EEOC Form 573, Notice of Appeal/Petition, January 2001
2. **AUTHORITY:** 42 U.S.C. § 2000e-16
3. **PRINCIPAL PURPOSE:** The purpose of this questionnaire is to solicit information to enable the Commission to properly and efficiently adjudicate appeals filed by Federal employees, former Federal employees, and applicants for Federal employment.
4. **ROUTINE USES:** Information provided on this form will be used by Commission employees to determine: (a) the appropriate agency from which to request relevant files; (b) whether the appeal is timely; (c) whether the Commission has jurisdiction over the issue(s) raised in the appeal, and (d) generally, to assist the Commission in properly processing and deciding appeals. Decisions of the Commission are final administrative decisions, and, as such, are available to the public under the provisions of the Freedom of Information Act. Some information may also be used in depersonalized form as a data base for statistical purposes.
5. **WHETHER DISCLOSURE IS MANDATORY OR VOLUNTARY AND EFFECT ON INDIVIDUAL FOR NOT PROVIDING INFORMATION:** Since your appeal is a voluntary action, you are not required to provide any personal information in connection with it. However, failure to supply the Commission with the requested information could hinder timely processing of your case, or even result in the rejection or dismissal of your appeal.

Send your appeal to:
The Equal Employment Opportunity Commission
Office of Federal Operations
P.O. Box 77960
Washington, D.C. 20013
Fax No. 202-663-7022

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Complainant)	
)	DA Docket No.:
v.)	
)	
Daniel P. Driscoll, Secretary of the Army)	
)	
Agency)	
)	

I hereby certify that on the date shown below, I transmitted the Army's final decision, with the EEOC OFO Public Portal Appeal Instructions (Enclosure 1), EEOC Form 573 (Enclosure 2), and this Certificate of Service (Enclosure 3), to the following parties:

[illegible]

[REDACTED]

[REDACTED]

September 15, 2025

Date

Valerie Herbert

EEO Specialist