

HOW YOUR COMPLAINT WILL BE PROCESSED BY THE OFFICE OF SPECIAL COUNSEL

Your complaint to the Office of Special Counsel (OSC) has been given a case number and assigned to a Complaints Examiner in OSC's Complaints Examining Unit (CEU). The Examiner will make a preliminary determination as to whether your complaint contains evidence of a prohibited personnel practice or other prohibited activity warranting further inquiry by the OSC.

To make that determination, the Examiner will review the information in your complaint. The Examiner will also consider information that he or she obtains through telephone or written communication with you, any witnesses, and/or appropriate officials from the employing agency.

After careful review of the file, the Examiner will recommend either that your case be referred to OSC's Investigation and Prosecution Division for further investigation and legal review, or that the case be closed. The Examiner's recommendation is subject to the review and approval of the Chief, CEU, and in some cases, the Senior Associate Special Counsel for Investigation and Prosecution.

If OSC determines that further inquiry into your complaint is warranted, you will be notified in writing that the matter has been referred to the Investigation and Prosecution Division. If, however, a preliminary decision is made to close your complaint, you will be notified in writing of that fact in a "preliminary determination letter" that explains the specific reason for the decision.

If you disagree with OSC's preliminary determination to close your complaint, you will have 13 days to explain in writing why you disagree with that decision. After reviewing your response, the Examiner will decide (subject to the review and approval of the Chief, CEU, and in some cases, the Senior Associate Special Counsel for Investigation and Prosecution) whether further investigation is warranted, or whether your complaint should be closed. If OSC makes a final determination to close your file, you will receive written notice of that decision; you will also be advised of any additional rights that you may have.

If your case is not resolved within 90 days after receipt, we will provide you with a written notice about the status of your complaint at that time, and every 60 days thereafter until a final determination is made. In addition, if you are alleging reprisal for whistleblowing, and, if after 120 days, OSC has not yet decided whether to seek corrective action on your behalf, you may have the right to file an Individual Right of Action directly with the Merit Systems Protection Board.

IMPORTANT:

Please note that OSC receives hundreds of cases each year, and makes every effort to process them as expeditiously as possible – usually in order of receipt. Because of the

high volume of calls that CEU receives, and because of our efforts to process complaints as quickly as possible, telephone calls are normally directed to the Examiner's voice mail. If you choose to leave a message, you should provide your name, OSC case number, daytime telephone number, and a brief explanation of the purpose of your call.

Examiners listen to all voice mail messages. Please be assured that even if you do not receive a return call, your message will be received and considered.