



**DEFENSE HEALTH AGENCY**  
7700 ARLINGTON BOULEVARD, SUITE 5101  
FALLS CHURCH, VIRGINIA 22042-5101

January 22, 2021

MEMORANDUM FOR ALL DEFENSE HEALTH AGENCY EMPLOYEES

SUBJECT: Right to File a Complaint of Discrimination Policy

The Defense Health Agency (DHA) Equal Opportunity and Diversity Management (EODM) Complaints Program provides employees, former employees, applicants for employment, and contractor employees, with a process for counseling, filing, processing, and resolving complaints of discrimination. As such, they are entitled to initiate a complaint when they believe they have been discriminated against on the bases of race, color, national origin, sex (to include sexual orientation or pregnancy discrimination), religion, age, retaliation, genetic information, or physical and/or mental disability. They may have the right to participate in alternative dispute resolution (ADR) through mediation. Additionally, if designated in writing, an attorney or representative may file on behalf of the complainant.

Before filing, the complainant must present their complaint to an EODM official or counselor for an informational inquiry. Once the inquiry has been completed using the DHA Form 28, Information Inquiry Summary, and the employee decides to proceed to the pre-complaint process, the EODM official will determine the proper venue to address concerns, and assign an EEO counselor.

The pre-complaint process (counseling) begins once an individual contacts an EODM official or counselor, and clearly exhibits intent to proceed with their complaint. Complaints must be presented within **45 calendar days** from the date the event occurred. An EEO counselor (staff or contractor) is assigned to conduct an informal inquiry of the event on behalf of the complainant. The pre-complaint process typically takes up to **30 calendar days**, unless ADR is utilized, in which case the process could last an additional **60 calendar days**.

If during the pre-complaint intake, the complainant indicates an interest in participating in ADR, the EODM official must coordinate with management to determine if ADR will be offered. If ADR is accepted, a mediator (outside DHA) will be provided for both parties to begin resolving the dispute. If the dispute is resolved through the use of ADR, the resolution will be documented in the form of a Negotiated Settlement Agreement, and implemented. If the dispute is not resolved, the EEO counselor will conduct a final interview and issue a Notice of Right to File (NRF) a Complaint of Discrimination

The pre-complaint inquiry is designed to reach a resolution through the use of traditional counseling. During the inquiry, all personnel will cooperate with and support the EEO counselor in the performance of their counseling duties. The EEO counselor will be free from restraint, interference, harassment, coercion, discrimination, or reprisal in connection with their duties. If resolution is not reached, the EEO counselor will conduct a final interview and issue an NRF, which notifies the complainant that they have **15 calendar days** to respond and file a formal complaint on DHA Form 30, Formal Complaint of Discrimination, to initiate the “formal” second phase of the EEO complaint process.

If you require more information regarding the EEO complaint process, or would like to discuss an EEO issue, please contact the Equal Opportunity and Diversity Management at [DHA.EODM@mail.mil](mailto:DHA.EODM@mail.mil).

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