



# U.S. OFFICE OF SPECIAL COUNSEL

## Fact Sheet

### ***How Complaints are Received and Processed***

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The U.S. Office of Special Counsel (OSC) has received your complaint alleging a prohibited personnel practice or other prohibited activity, given it a case number, and assigned it to an examiner in OSC's Complaints Examining Unit (CEU).

#### ***Preliminary Determination on Your Complaint***

- 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 investigation by OSC. To make that determination, the examiner will review the information contained in your complaint, as well as any evidence received through telephone or written communications with you, any identified witnesses, and appropriate agency officials.
- After careful review, the examiner will recommend that your case either (1) be referred to OSC's Investigation and Prosecution Division (IPD) for further investigation and legal review; or (2) be closed. The examiner's recommendation is subject to the review and approval of the Chief, CEU, and in some cases, the Associate Special Counsel.
- If OSC decides that further inquiry into your complaint is warranted, we will notify you in writing that the matter has been referred to IPD. See *Fact Sheet on How Complaints are Investigated and Prosecuted*. In some instances, mediation also may be offered. See *Fact Sheet on How OSC's Mediation Program Works*.
- In some instances, OSC may seek a stay of the personnel action until the investigation is completed or a determination can be made on whether a violation occurred. See *Fact Sheet on How Complaints are Investigated and Prosecuted*.
- If OSC decides to close your complaint, we will notify you of that fact in a "preliminary determination letter" that explains the specific reason for the decision. If you disagree with the OSC's initial decision to close your complaint, you will have at least 10 days to respond, if you choose to do so. After reviewing any response, the examiner will decide (subject to the review and approval of the Chief, CEU, and in some cases, the Associate Special Counsel) whether further investigation is warranted or whether your complaint should be closed. If OSC makes a final determination to close your complaint, we will notify you in writing of that decision and advise you of any additional rights you may have.

#### ***Regular and Timely Updates on Your Complaint***

- If your complaint is not resolved within 90 days of receiving your complaint, OSC will notify you in writing at that time about the status of your complaint.
- Thereafter, OSC will continue to notify you in writing every 60 days about the status of your complaint until a final determination is made on your complaint.

#### ***Individual Right of Action***

- If you are alleging certain types of retaliation (including retaliation for whistleblowing), and OSC has not completed its investigation within 120 days of receiving your complaint, you may have the right to seek corrective action directly with the Merit Systems Protection Board.