

**OFFICE OF EMPLOYMENT  
DISCRIMINATION  
COMPLAINT  
ADJUDICATION (OEDCA)**

# OEDCA's Role in the Department of Veterans Affairs EEO Process

- ▶ The EEO complaint process at the Department of Veterans Affairs involves two offices that serve different functions. OEDCA and the Office of Resolution Management (ORM).
- ▶ OEDCA is responsible for issuing Final Agency Decisions and Final Orders on the merits of employment discrimination complaints.
- ▶ ORM is responsible for EEO complaint processing services to include EEO counseling, case management, investigations, and compliance. <https://www.va.gov/ormdi/>

# OEDCA Mission and Functions

- ▶ Mission: to issue high quality EEO Final Decisions and Final Orders in a timely, fair, and objective manner.
- ▶ Functions:
  - ▶ Final Agency Decision on the merits of a complaint
  - ▶ Final Orders on the merits of a complaint
  - ▶ Final Agency Decision on Compensatory Damages Claims
  - ▶ Final Agency Decision on Attorneys' Fee Claims
  - ▶ Procedural Dismissals

# OEDCA

- ▶ Quasi-judicial independent authority
- ▶ OEDCA Director reports directly to the VA Deputy Secretary or the VA Secretary
- ▶ Director must be a career appointee in the Senior Executive Service
- ▶ Staffed by attorneys and administrative staff

# OEDCA Independence

- ▶ Final Decisions by OEDCA not subject to review or appeal by the Department.
- ▶ Director and Associate Director not required to defend or explain decisions to any official in the Department.
- ▶ No Ex Parte Communication with the OEDCA Director or OEDCA staff with respect to a matter on which the Director has responsibility for making a final agency decision.
- ▶ Performance ratings of OEDCA employees are not influenced by decisions for or against the Department.

# Final Agency Decisions and Final Orders

- ▶ A Final Agency Decision (FAD) on the merits of an EEO complaint is issued by OEDCA after an investigation has been completed and the complainant requests a final agency decision or fails to make an election within the regulatory time period.
- ▶ A FAD on the merits of an EEO complaint will also be issued where the Equal Employment Opportunity Commission (EEOC) has dismissed an EEOC hearing and remanded the complaint to the Department for a final agency decision.
- ▶ A Final Order is issued by OEDCA when an EEOC Administrative Judge has rendered a decision and forwards the decision to OEDCA for final action.

# OEDCA

## ▶ OEDCA DOES NOT:

- ▶ Investigate EEO complaints (ORM)
- ▶ Conduct Hearings (EEOC)
- ▶ Represent management (OGC/Regional Counsel)
- ▶ Represent complainants (Pro se/Private attorneys/union)
- ▶ Provide legal advice
- ▶ Oversee compliance or implementation of remedies (ORM)

# OEDCA: Final Agency Decisions

- ▶ Based on the investigative file
- ▶ Evidence analyzed in accordance with applicable statutes, regulations, court decisions, and EEOC decisions
- ▶ Burden of persuasion always borne by the complainant
- ▶ Standard of Proof – Preponderance of the evidence

# OEDCA: Final Agency Decisions

- ▶ Where discrimination is found, the FAD will include appropriate remedies:
  - ▶ Equitable Relief
  - ▶ Compensatory Damages
  - ▶ Attorneys' Fees
  - ▶ Costs
  - ▶ Other Corrective Action