

**§ 588.78 Disposition of complaints of discrimination.**

(a) When action on a complaint of discrimination has been completed at the activity level, the case record will be promptly forwarded to the Director, EEOCCRA, ATTN: SFCR, WASH DC 20310-1813. When the case has been closed at the activity, instructions set forth in § 588.78(b) will be followed. When a hearing is requested, one copy of the file, similarly compiled, will be forwarded to the EEOC district office that will provide the complaints examiner. Additionally, one copy of the file, similarly compiled, will be forwarded to EEOCCRA. In all cases, the chronology of events will be completed and included in the case file. (See § 588.76) This will apply whether forwarded to the EEOC complaints examiner for a hearing or to the EEOCCRA for a decision on the record.

(b) Cases closed at the activity level are as follows:

(1) Cases are closed at the activity level as a result of rejection, cancellation, withdrawal, termination, adjustment, or decision on the merits.

(2) If a formal EEO complaint is closed in whole at the activity level, the EEO officer will submit the original file and one copy to EEOCCRA, compiled in accord with § 588.66, and DA Form 5497-R. Submissions will be made within 10 days after the complaint is closed. If the complaint has been closed in part, two legible copies of the file will be forwarded to EEOCCRA within 10 days, compiled in accord with § 588.66 along with DA Form 5497-R. Such case files will be notated as partial closure.

(c) Activities and MACOMs will be notified of cases closed at the DA level by receipt of a copy of the final Army decision signed by the Secretary of the Army or his or her designee.

**§ 588.79 Travel and other costs.**

For individual complaint as well as class complaints of discrimination, travel and other related expenses will be as follows:

(a) Travel and per diem expenses of USACARA investigators will be funded by the activity against which the alleged discrimination is lodged.

(b) Expenses of the Army investigators, counselors, or investigators from other Federal agencies will be funded by the activity where the alleged discrimination took place.

(c) Expenses of the EEOC complaints examiner are paid for by EEOC.

(d) Travel expenses of Army personnel (complainants, representative, or witnesses), whose travel is required by a complaints examiner or other authorized official, will be funded by the activity against which the complaint is lodged.

(e) Travel expenses of non-Army personnel (applicants/complainants) will not be paid in advance by the Army. Nor, if they are Federal employees, can their expenses be paid by their agencies unless their role concerns official business of the current employers. A successful applicant/complainant, may, however, be reimbursed for such travel expenses as part of his or her costs.

(f) If a complaint of discrimination is filed against a tenant organization, the tenant organization will pay the hearing costs, investigative costs, attorney fees and/or costs unless otherwise provided for in a host-tenant agreement. Problems that develop between host and tenant organizations will be promptly referred for resolution to the parent MACOM.

(g) If the complaint involves a non-appropriated fund (NAF) activity, the costs will be borne by the host activity (that is, the appropriated fund activity that heads the installation where the NAF is assigned).

**APPENDIX A TO PART 588 —STEPS IN INDIVIDUAL COMPLAINTS OF DISCRIMINATION**

Action	Time limits
1. Employee or applicant must see EEO counselor or EEO officer.	Within 30 calendar days after the alleged discrimination, personnel action, or when the complainant becomes aware or reasonably should have become aware of the action.
2. EEO counselor makes inquiry, tries to resolve complaint informally, conducts final interview, and, if complaint is not resolved, gives complainant written notice of right to file formal complaint.	Within 21 calendar days after matter first called to EEO counselor's attention.