

INTAKE NOTICE TO COMPLAINANTS IN EMPLOYMENT CASES FILED UNDER THE D.C. HUMAN RIGHTS ACT

Filing of Complaints

Under the D.C. Human Rights Act (DCHRA), an individual may bring an employment discrimination complaint using any of the three options below, depending on the claims being brought:

- 1) File a free administrative complaint with the D.C. Office of Human Rights (OHR);
OR
- 2) File a free administrative complaint with the U.S. Equal Employment Opportunity Commission (EEOC), if the claim is based on race, color, national origin, sex, religion, age, disability, or genetic information (note that the EEOC may refer the case to OHR for investigation);
OR
- 3) File a lawsuit directly with the D.C. Superior Court or the U.S. District Court for the District of Columbia (note that under the DCHRA, you do NOT need to file an administrative complaint prior to filing a lawsuit under the DCHRA with the D.C. Superior Court).

Note: You cannot have a DCHRA administrative complaint pending before OHR or EEOC and a lawsuit pending before a court at the same time. Federal laws are different, and individuals are advised to consult with an attorney, if possible, when selecting the proper place to file their complaint.

Ability to Go to Court After Filing with OHR

It is important to know that if an individual has chosen to file with OHR, they may no longer file a DCHRA complaint with the D.C. Superior Court or federal court after OHR completes the investigation and issues its probable cause determination (called a “Letter of Determination” (LOD)). Individuals may file a petition for review in Superior Court to challenge OHR’s findings in the Letter of Determination.

Withdrawal of Complaints

Before OHR issues the LOD, however, an individual may withdraw their complaint(s) at any time and file with the D.C. Superior Court or the U.S. District Court for the District of Columbia by submitting the attached withdrawal form. If an individual wishes to withdraw their case from OHR, individuals must complete and return the form to the assigned investigator before the issuance of the LOD.

Special Notice to D.C. Government Employees about Potential Damages

D.C. government employees, applicants for D.C. government, and/or former D.C. government employees can only recover certain damages if they bring an administrative complaint to OHR rather than filing a lawsuit in court.

If OHR finds a violation of the DCHRA after a hearing before an administrative law judge, OHR can order the D.C. government to pay back pay or order other certain kinds of actions like a retroactive promotion or rehiring. However, OHR **cannot** award attorneys' fees or compensatory damages under the DCHRA. Compensatory damages are other kinds of monetary damages besides back pay, like compensation for emotional distress. The D.C. Court of Appeals has stated that an individual can **only** recover attorneys' fees and compensatory damages under the DCHRA for cases filed against the D.C. government through a lawsuit in court, but NOT in those cases that were filed at OHR.

*Please note that the information in this notice is not intended to be legal advice.
Individuals are advised to consult with an attorney about the information in this notice.*

COMPLAINANT'S CHARGE OF DISCRIMINATION WITHDRAWAL FORM

COMPLAINANT NAME: _____

_____ v. _____
Complainant *Respondent*
OHR.: _____ **EEOC No.:** _____ **(if applicable)**

By completing this form, the Complainant hereby withdraws the Charge of Discrimination filed at the DC Office of Human Rights (OHR) and cross-filed with the United States Equal Employment Opportunity Commission (US EEOC) (if applicable) and is advised of the following rights and obligations:

I am aware the Charge of Discrimination I have filed is pending the administrative procedure provided by OHR and has been cross filed with the United States Equal Employment Opportunity Commission (US EEOC) (if applicable).

I am aware a request to withdraw a Charge of Discrimination must be approved by the OHR and US EEOC (if applicable).

I am aware the OHR and US EEOC (if applicable) protect my right to file a Charge of Discrimination.

I am aware it is unlawful for me to be threatened, intimidated, or harassed because I have filed a Charge of Discrimination as provided by the United States Civil Rights Act of 1964, as amended.

I am aware it is unlawful for me to be threatened, intimidated, or harassed because I have filed a charge of discrimination as provided by the DC Human Rights Act of 1977, as amended. Each agency will review this withdrawal form and take the appropriate action regarding the Charge of Discrimination.

I have not been forced, intimidated, coerced, or otherwise influenced to submit this Charge of Discrimination withdrawal form.

I am submitting this Charge of Discrimination withdrawal form because:

I wish to withdraw the Charge of Discrimination I have filed with the D.C. Office of Human Rights:

Complainant's Signature

Date

(If applicable:) I wish to withdraw the Charge of Discrimination I have filed with the Equal Employment Opportunity Commission:

Complainant's Signature

Date

SEND TO: D.C. Office of Human Rights
441 4th Street, N.W.
Suite 570N
Washington, D.C. 20001

EEOC USE ONLY (if applicable):

____ Approve _____ Date

____ Deny _____ Date

Director: _____