EQUAL OPPORTUNITY / SEXUAL HARASSMENT COMPLAINT PROCESS

Make an informal complaint. Report inappropriate behavior without initiating a full investigation. This may be most appropriate for minor infractions when the victim simply wants the behavior stopped.

If You Are The Victim

File a formal written complaint on a DA Form 7279-R with any of the following agencies. Complaints must be filed within 60 days of the incident. Complaints made after 60 days may be pursued at the commander’s discretion.

If Behavior Persists

Complaints, except those filed with the I.G., must be acted upon within three calendar days. Complaints filed with an agency against a member of the Chain of Command will be referred to the next higher commander in the chain. All formal complaints will be reported within 72 hours to the first General Courts-Martial Convening Authority (GCMCA) in the Chain of Command. Provide a progress report to the GCMCA 21 days after the date on which the investigation commenced and 14 days thereafter until completion.

The commander or the investigating officer appointed by the commander has 14 calendar days to investigate the allegations. The commander will meet with the victim and the subject(s) of the complaint to discuss the outcome and results. A 30-day extension may be granted from the next higher commander if circumstances require it. Further extensions can be approved only by the first General Officer in the Chain of Command. Complainants must be notified of extensions.

The complainant and/or subject(s) of the complaint have seven calendar days to appeal to the next higher commander if he or she is dissatisfied with the investigation results or actions taken. That commander has 14 days to act on the appeal and provide written feedback on the results. Final decisions on complaints/appeals not resolved at brigade level rest with the General Courts-Martial Convening Authority.

30-45 days after final decision of the formal complaint (substantiated and unsubstantiated), an assessment is conducted by the Equal Opportunity Advisor to determine the effectiveness of any corrective actions taken and to detect and deter any incidents of reprisal. Reports and recommendations are submitted to the Commander on a DA Form 7279-1-R NLT 45 days following final decisions made on complaints.
**EQUAL OPPORTUNITY COMPLAINT FORM**

For use of this form, see AR 600-20; the proponent agency is DCSPER

### PRIVACY ACT STATEMENT

**AUTHORITY:** Title 10, USC Section 3013, Secretary of the Army: Army Regulation 600-20, Army Command Policy and E.O. 9397 (SSN)

**PRINCIPAL PURPOSE:** To provide a means for filing complaint based on discrimination due to race, color, religion, or national origin.

**ROUTINE USES:** None

**DISCLOSURE:** Voluntary; however, failure to provide all the requested information could lead to rejection of complaint for inadequate data.

<table>
<thead>
<tr>
<th>1. NAME</th>
<th>2. RANK</th>
<th>3. SSN</th>
<th>4. UNIT</th>
</tr>
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<tbody>
<tr>
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<thead>
<tr>
<th>5. RACE/ETHNIC GROUP</th>
<th>6. GENDER</th>
<th>7. DATE (YYYY/MM/DD)</th>
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<tr>
<td></td>
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</tbody>
</table>

### PART I - COMPLAINT

8a. **NATURE OF COMPLAINT.** *(Give, in as much detail as possible, the basis for your complaint; describe the incident/behavior(s) and date(s) of the occurrence(s); the names of parties involved, witnesses, and to whom it may have been previously reported; plus, any additional information that would be helpful in resolving your complaint. Attach additional sheets, as needed.)*

8b. **REQUESTED REMEDY.** *(What do you think the final outcome should be?)*

9a. **AFFIDAVIT.**

I, ________________ have read or have had read to me this statement which begins on this page *(page 1)* and ends on page ________________. I fully understand the contents of the entire statement made by me. The statement is true. I have initialed all corrections. I made the statement without threat of punishment, and without coercion, unlawful influence, or unlawful inducement.

______________________________
(Signature of Person Making Statement)

Subscribed and sworn to before me, a person authorized by law to administer oaths, this

_______ day of ______________ , ______ at __________________________ .

______________________________
(Signature of Person Administering Oath)  
______________________________
(Typed/Printed Name of Person Administering Oath)

9b. **AGENCY RECEIVING COMPLAINT.**

I acknowledge receipt of this complaint from ______________________ (name/rank) of ______________________ (unit) on ______________________ (date).

I understand I have 3 calendar days *(next drill period for reserve soldiers)* in which to refer this complaint to the appropriate commander of the complainant.

9c. **NAME**  
9d. **GRADE**  
9e. **DATE (YYYY/MM/DD)**

9f. **AGENCY**  
9g. **SIGNATURE**
10a. **ACKNOWLEDGEMENT.**
I acknowledge receipt of this complaint, on behalf of *(complainant's name)* __________________________, submitted to me by *(name, rank, alternative agency)* ___________ on __________________________. I understand I have 14 calendar days *(3 weekend drill periods for Reserve components)* in which to initiate an investigation into the complaint, implement a plan to prevent reprisal, complete the investigation, and inform the complainant of the results of that investigation. All formal complaints will be reported within 72 hours to the first GCMCA in the chain of command.

10b. **NAME**   10c. **GRADE**   10d. **DATE** *(YYYY/MM/DD)*
10e. **ORGANIZATION**   10f. **SIGNATURE**

**PART II - RESULTS OF INVESTIGATION**

11a. I *(name of commander)* __________________________ reviewed the report of investigation into your allegations. I [ ] concur [ ] nonconcur with the findings of the investigating officer. I find that your allegations are:

[ ] substantiated   [ ] unsubstantiated. I base my decision on the following points:

11b. **SIGNATURE OF COMMANDER**   11c. **DATE** *(YYYY/MM/DD)*

**PART III - ACTIONS TO RESOLVE COMPLAINT**

12a. The command has done *(or will do)* the following actions to resolve this complaint and continue to prevent acts of reprisal:

12b. **ADVISEMENT TO COMPLAINANT:** You have the right to appeal these actions to resolve your complaint. You will have 7 days *(next weekend drill for Reserve components)* to submit your appeal in writing. If you elect not to appeal, your case is considered closed. If you decide to appeal, state the basis of, or grounds for, your appeal in the space below. I will refer your appeal to the appellate authority, who will review your case and provide you feedback when that review is completed.

12c. **SIGNATURE OF COMMANDER**   12d. **DATE** *(YYYY/MM/DD)*
12e. **ACKNOWLEDGEMENT BY THE COMPLAINANT AND SUBJECT(S) OF THE COMPLAINT OF FINDINGS, FEEDBACK, AND APPEALS OPTIONS**

*(Signature of Complainant) __________________________ (Date)__________________________

*(Signature of Subject(s) of Complaint) __________________________ (Date)__________________________

FOR ADDITIONAL SUBJECT(S) OF COMPLAINT, USE A BLANK SHEET OF PAPER.

**PART IV - APPEAL**

13a. I elect to appeal the outcome of my complaint for the following reasons

[ ] Continuation sheet/s is attached   [ ] Continuation sheet/s is not attached

13b. **COMPLAINANT’S SIGNATURE**   13c. **DATE** *(YYYY/MM/DD)*
13d. I have reviewed the complaint file, the investigative findings, and other information regarding this case. My findings are:

13e. **SIGNATURE OF APPELLATE AUTHORITY**   13f. **DATE** *(YYYY/MM/DD)*
13g. I acknowledge being counseled concerning the outcome of this appeal.

13h. **SIGNATURE OF COMPLAINANT**   13i. **DATE** *(YYYY/MM/DD)*
MILITARY EQUAL OPPORTUNITY
COMPLAINT PROCESSING CHART

START

Individual discusses concerns with MEO staff. MEO purview is covered. (Note 1 & 2)

No

Individual signs AF Form 1587. (Note 5)

Yes

Discuss all forms of resolution (informal and formal). Individual decides process used.

MEO clarifies framed allegations and briefs appropriate commander(s) of the complaint. Commanders can refer to their responsibilities in AFI 36-2706, Chapter 2, Para 2.5.

If Mediation is elected, all parties (individual, alleged offender, and commander[s]) must agree to the mediation.

If Informal complaint process is elected, initiate an AF Form 1587-1. Frame all EOT related allegations. (Note 3)

Conduct follow-up within 5 days and until the concern is resolved. MEO can provide SME assistance.

MEO conducts complaint clarification and determines if complaint is substantiated, unsubstantiated, or inconclusive. Inconclusive findings are referred to the IG or addressed by a commander directed inquiry.

Close AF Form 1587-1

Yes

Did informal process resolve the concern(s)?

No

Case file (includes - complaint clarification, witness statements, and other pertinent information) is forwarded to JA for legal sufficiency review.

Case file (includes - complaint clarification, witness statements, legal review, and other pertinent information) is forwarded to the alleged offenders CC for action.

CC briefs alleged offender on findings and appeal process. MEO briefs complainant on findings and appeal process.

MEO conducts 30 follow-up with complainant regarding climate, process feedback, and reprisal.

Notes:

1. MEO addresses complaints filed by military personnel, family members, and retirees.
2. Discrimination based on race, color, sex (includes sexual harassment), religion, or national origin. Disparaging terms is a form of discrimination. Complaints must be submitted within 60 days of occurrence, or the complainant must provide sufficient justification for review and approval by the Installation Commander (IC).
3. The informal process offers the complainant various options: 1) address the issue themselves, 2) use the chain of command, 3) use mediation, or 4) take no action.
4. Complainant may elect to use the formal complaint process to appeal unresolved informal complaints.
5. Complainant wishing to withdraw a formal complaint must receive the Chief of MEO’s approval.
6. Allegations of reprisal must be referred to the IG. The IC reviews all closed cases.
## Attachment 2

**SAMPLE, AF FORM 1271 (MILITARY)**

### EQUAL OPPORTUNITY RECORD OF ASSISTANCE/CONTACT

<table>
<thead>
<tr>
<th>File No.</th>
<th>NM-10-022</th>
</tr>
</thead>
</table>

**PRIVACY ACT STATEMENT**

**AUTHORITY:** 10 U.S.C. 8013, AFI 36-2706, Equal Opportunity (EO) Program.

**PURPOSE:** To collect and resolve complaints that are not related to unlawful discrimination or sexual harassment.

**ROUTINE USES:** Disclosures permitted under 5 U.S.C. 552a(b). May be specifically disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b). "DoD Blanket Routine Use Apply."

**DISCLOSURE:** Voluntary. All information provided will be used to facilitate resolution of concerns. Failure to provide required information may make it difficult to successfully resolve concerns in a timely manner.

### I. CUSTOMER IDENTIFICATION

<table>
<thead>
<tr>
<th>1. NAME</th>
<th>2. GRADE</th>
<th>3. UNIT/OFFICE</th>
<th>4. PHONE</th>
<th>5. SEX</th>
<th>6a. RACE</th>
<th>6b. HISPANIC DECLARATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arr, Mel</td>
<td>E-6</td>
<td>123 FSS</td>
<td>123-4567</td>
<td>M</td>
<td>BL</td>
<td>NO</td>
</tr>
</tbody>
</table>

### II. DESCRIPTION OF ASSISTANCE

<table>
<thead>
<tr>
<th>7. DATE</th>
<th>8. CATEGORY OF ASSISTANCE</th>
<th>Out and About</th>
<th>EO General Assistance/Contact</th>
<th>Non-EO Assistance</th>
<th>Non-EO ADR</th>
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</thead>
<tbody>
<tr>
<td>20100801</td>
<td>Briefing (Number briefed: )</td>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>9. AREA OF CONCERN</th>
<th>10. SUMMARY OF CONCERNS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appr/Hrs</td>
<td>On 3 Aug 10, TSgt Mel Arr visited the EO Office and spoke with MSgt Jason Emm. TSgt Arr indicated his supervisor, MSgt June Cee, has been treating him unfairly the last couple of weeks. TSgt Arr stated he has been denied leave and forced to work overtime to complete various tasks. TSgt Arr stated his leave has been on the books for several months and that the tasks he is being asked to complete could easily be completed during the duty day as they have no suspense. TSgt Arr stated he never had a problem with MSgt Cee until he recently brought to light possible government travel card abuse by MSgt Cee. TSgt Arr stated he spoke directly with MSgt Cee about his concerns, but that MSgt Cee responded with &quot;It is what it is.&quot; TSgt Arr stated he does not understand why he is being punished for showing integrity.</td>
</tr>
</tbody>
</table>

### III. ADMINISTRATION

<table>
<thead>
<tr>
<th>14. TIME SPENT</th>
<th>15. EO SPECIALIST</th>
<th>16. SIGNATURE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.0</td>
<td>MSgt Jason Emm</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>17. DATE CLOSED</th>
<th>16. EO DIRECTOR</th>
<th>15. SIGNATURE</th>
</tr>
</thead>
<tbody>
<tr>
<td>20100810</td>
<td>CMSgt Rob Que</td>
<td></td>
</tr>
</tbody>
</table>

**AF FORM 1271, 20100830**

**PREVIOUS EDITIONS ARE OBSOLETE**

**PRIVACY ACT INFORMATION:** The information in this form is for official use only. Protect in accordance with the Privacy Act of 1974.
attachment 3

sample, af form 1587-1 (military)

mil-itary equal opportunity informal complaint summary

privacy act statement

authority: 10 u.s.c. 8013; afi 36-2706, equal opportunity (eo) program.
purpose: to record and resolve complaints of unlawful discrimination or sexual harassment.
routine uses: disclosures permitted under 5 u.s.c. 552a(b). may be specifically disclosed outside the dod as a routine use pursuant to 5 u.s.c. 552a(3). "do not blank routine uses apply."
disclosure: voluntary. all information provided will be used to facilitate resolution of concerns. failure to provide required information may make it difficult to successfully resolve concerns in a timely manner.

i. complainant information

1. name (last, first, mi)
   arr, jane

2. grade
   e-3

3. unit/office
   123 sfs/se

4. phone
   123-4567

5. afsc
   35031

6. sex
   f

7a. race
   wh

7b. hispanic declaration
   hl

ii. description of complaint

8. alleged offender demographics:
   grade
   e-6
   123 sfs/se
   sex
   m
   race
   wh
   hisp dec
   no
   afsc
   35071

   discrimination type:
   r  c  no  s  rel  shr  v  nv  p  oth
   [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ]

9. specific allegations of unlawful discrimination
   i feel i have been discriminated against based on my national origin by my supervisor, tsgt jack emm.
   allegation #1: on 26 jul 10, tsgt emm told me that i needed to turn off my "crappy latin music" and play something in english.
   allegation #2: on 28 jul 10, tsgt emm asked me if i was going trick or treating dressed as a "chili pepper" for halloween.
   i feel tsgt emm's statements were out of line and inappropriate, especially coming from an nco. i do not feel comfortable working around him anymore as a result.

10. worked by:
    [x] cc  [ ] ccf  [ ]oxic  [ ] supervisor  [ ] coworker  [ ] adf  [ ] other:

iii. administration

11. date
    20100803

12. complainant signature
    [ ]

13. eo specialist
    msgt jason eff

14. signature of eo specialist
    [ ]

afi form 1587-1, 20100823

previous editions are obsolete

privacy act information: the information in this form is
for official use only. protect iaf afi 19-314.
15. SUMMARY OF INTERVIEW
A1C Arr was briefed on EO purview and options to resolve her concerns to include the informal and formal complaint process. A1C Arr was informed the EO Office does not have a privilege of confidentiality, but that all information provided is for official use only and that her privacy would be protected as much as possible. A1C Arr was informed that disclosure of a case file is protected by the Privacy Act and Freedom of Information Act (FOIA). A1C Arr elected to file an informal complaint and have her first sergeant, SMSgt Marshall Wye, work the issue. A1C Arr was then briefed of her right to file a formal complaint as appeal of the informal complaint if she is not satisfied with the process or if she should have problems in the future. A1C Arr was finally briefed to report any type of reprisal as a result for filing this complaint to the IG office.

The EO office felt the complaint should be documented based on the nature of the allegation as it could be a violation of the Air Force's policy on unlawful discrimination. It is unclear if this allegation has had any impact on the unit/installation HRC at this time.

16. FOLLOW-UP ACTIONS
3 Aug 10: MSgt Eff called Lt Col Rose Zee, 123 SFS/CC, to inform her of the complaint filed by A1C Arr. MSgt Eff informed Lt Col Zee that A1C Arr requested that the first sergeant address the situation and that he would be contacting him to brief him on his responsibility in addressing the situation.
3 Aug 10: MSgt Eff called and informed SMSgt Vee, 123 SFS/CCF, about the complaint and his responsibilities in the case. SMSgt Vee indicated he would immediately look into the matter.
10 Aug 10: MSgt Eff called SMSgt Vee to inquire on the status of his inquiry. SMSgt Vee stated he had one more individual to interview today and would be making a final report.
13 Aug 10: SMSgt Vee contacted the EO Office and informed MSgt Eff that he substantiated the allegations against TSgt Emm. SMSgt Vee stated that TSgt Emm received an LOR and that he wanted to refer him to the EO Office for additional HRE training.
14 Aug 10: MSgt Eff contacted A1C Arr and briefed her on the outcome of the complaint. A1C Arr stated she was satisfied with the process.
## MILITARY EQUAL OPPORTUNITY FORMAL COMPLAINT SUMMARY

### PRIVACY ACT STATEMENT

**AUTHORITY:** Title 10 U.S.C. 8012, AFI 36-2706, Equal Opportunity Program (EO) Program.

**PURPOSE:** To record and resolve complaints of unlawful discrimination or sexual harassment.

**ROUTINE USES:** Disclosures permitted under 5 U.S.C. 552(a)(6). May be specifically disclosed outside the DOD as a routine use pursuant to 5 U.S.C. 552a(3). “DoD blanket routine uses apply.”

**DISCLOSURE:** Voluntary. All information provided will be used to facilitate resolution of concerns. Failure to provide required information may make it difficult to successfully resolve concerns in a timely manner.

### I. COMPLAINTANT INFORMATION

<table>
<thead>
<tr>
<th>1. NAME (Last, First, M)</th>
<th>2. GRADE</th>
<th>3. UNIT/OFFICE</th>
<th>4. PHONE</th>
<th>5. AFSC</th>
<th>6. SEX</th>
<th>7a. RACE</th>
<th>7b. HISPANIC DECLARATION</th>
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</thead>
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<tr>
<td>Arr, Jane</td>
<td>E-3</td>
<td>123 LRS/LG</td>
<td>123-4567</td>
<td>35031</td>
<td>F</td>
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<thead>
<tr>
<th>8. COMMANDER'S NAME (Last, First, M)</th>
<th>9. GRADE</th>
<th>10. UNIT/OFFICE</th>
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<tr>
<td>Zec, Frank</td>
<td>O-4</td>
<td>123 LRS/CC</td>
<td>123-9876</td>
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### II. DESCRIPTION OF COMPLAINT

#### 12. ALLEGED OFFENDER DEMOGRAPHICS

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<th>RACE</th>
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<th>AFSC</th>
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<td>E-6</td>
<td>123 LRS/LG</td>
<td>M</td>
<td>WH</td>
<td>NO</td>
<td>35071</td>
<td>Supervisor</td>
<td></td>
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#### 13. SPECIFIC ALLEGATIONS OF UNLAWFUL DISCRIMINATION

I feel I have been sexually harassed by TSgt John Exx, 123 LRS.

**ALLEGATION #1:** On 27 Jul 10, I was introduced to TSgt Exx when I reported to my duty section. When I told TSgt Exx that I was from California, he responded with the comment, “I guess I need to go to California California blondes.”

**ALLEGATION #2:** On 29 Jul 10, TSgt Exx approached me from behind, leaned over me, placed his hands on both of my shoulders, and began to rub them. TSgt Exx then asked in a flirty way, “what cha doing?” TSgt Exx then stood and placed one of his hands on my lower back and began rubbing it in a circular motion while he was talking to someone else in the office.

I was offended by TSgt Exx's comment and feel it was inappropriate for him to say to anyone, but especially me as a new Airman in the unit. I also don't feel comfortable being around TSgt Exx now as I will always wonder if he will touch me the way he did.

### III. ADMINISTRATION

15. DATE: 20100803

18. COMPLAINANT SIGNATURE: TSgt Robert Wye

17. EO SPECIALIST: TSgt Robert Wye

16. SIGNATURE OF EO SPECIALIST: TSgt Robert Wye
### MILITARY EQUAL OPPORTUNITY FORMAL COMPLAINT SUMMARY

#### IV. COMPLAINT PROCESSING ACTIONS

19. SUMMARY OF INTERVIEW

After explaining her allegations, A1C Arr was briefed on EO purview and asked if she felt her concerns fell under any of the protected categories of unlawful discrimination. A1C Arr stated she felt the comments and actions were a form of sexual harassment. A1C Arr was then briefed on the options to address her concerns to include the informal and formal complaint process. After hearing how the informal and formal complaint processes work, A1C Arr elected to file a formal complaint.

The EO Office felt the complaint should be opened based on the nature of the alleged physical contact and comments made by TSgt Exx. If true, the contact and comments are a violation of the Air Force's policy on EOT. It is unclear if this allegation has had any impact on the unit or installation HRC.

#### 20. EO ACTIONS TAKEN

- **3 Aug 10:** TSgt Wye notified Maj Frank Zee, 123 LRS/CC, of the complaint filed by A1C Arr and his responsibilities in the formal complaint process.
- **3 Aug 10:** TSgt Wye sent the initial NDAA Sexual Harassment Reporting Message to the GCMCA.
- **4 Aug 10:** TSgt Wye interviewed A1C Sally Que, witness.
- **4 Aug 10:** TSgt Wye interviewed Maj Mike Eff and SSgt Jessica Cec, witnesses
- **5 Aug 10:** MSgt Vee interviewed SSgt Jackie Jac, witness.
- **6 Aug 10:** TSgt Wye interviewed TSgt John Exx. After being read his Article 31 Rights Advisement, TSgt Exx elected not to make a statement. 7-8 Aug 10: Weekend
- **11 Aug 10:** TSgt Wye completed the clarification report and forwarded it to 123 ABW/JA for review. Suspense for JA review is 19 Aug 10.
- **11 Aug 10:** TSgt Wye called and gave A1C Arr an update on the status of her complaint.
- **14-15 Aug 10:** Weekend
- **18 Aug 10:** 123 ABW/JA returned the report to the EO Office where they concurred with EO’s findings. TSgt Wye packaged the report and took it to Maj Zee for his review and action. Maj Zee’s suspense is 25 Aug 10.
- **18 Aug 10:** TSgt Wye called and gave A1C Arr an update on the status of her complaint. 25 Aug 10: Maj Zee returned the case to the EO Office. Maj Zee stated he administered TSgt Exx a LOR.
- **26 Aug 10:** TSgt Wye briefed A1C Arr on the outcome of her complaint. A1C Arr indicated she was satisfied with the outcome and service provided by the EO Office.
- **28-29 Aug 10:** Weekend
- **30 Aug 10:** TSgt Wye sent the final NDAA Sexual Harassment Reporting Message to the GCMCA.

#### Table 1: Complaint Process Time

<table>
<thead>
<tr>
<th>22. EO Process Time:</th>
<th>6</th>
</tr>
</thead>
<tbody>
<tr>
<td>23. LEGAL REVIEW</td>
<td>24. DATE</td>
</tr>
<tr>
<td>Yes</td>
<td>20100818</td>
</tr>
<tr>
<td>Substantiated</td>
<td></td>
</tr>
<tr>
<td>Unsustantiated</td>
<td></td>
</tr>
<tr>
<td>27. COMPLAINANT ASSESSMENT</td>
<td>28. DATE CLOSED</td>
</tr>
<tr>
<td>A. My allegations were thoroughly addressed.</td>
<td>20100826</td>
</tr>
<tr>
<td>B. I am satisfied with the assistance provided by the EO staff.</td>
<td>Yes</td>
</tr>
<tr>
<td>C. I was briefed on the EO appeals process as defined in AFI 37-2706</td>
<td>Yes</td>
</tr>
<tr>
<td>D. I believe I have been subject to reprisal.</td>
<td>Yes</td>
</tr>
<tr>
<td>31. EO SPECIALIST SIGNATURE</td>
<td></td>
</tr>
<tr>
<td>T Sgt Robert Wye</td>
<td></td>
</tr>
</tbody>
</table>

**AF FORM 1587, 20100830**

**PRIVACY ACT INFORMATION:** The information in this form is FOR OFFICIAL USE ONLY. Protect IAW the Privacy Act of 1974.