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## Discrimination Complaint Filing

### Filing a Discrimination Complaint as a USDA Customer

USDA prohibits discrimination against its customers. If you believe you experienced discrimination when obtaining services from USDA, participating in a USDA program, or a program that receives financial assistance from USDA, you may file a complaint with USDA. OASCR, through the Office of Adjudication, will investigate and resolve complaints of discrimination in programs operated or assisted by USDA.

USDA prohibits discrimination on the bases of race, color, religion, sex, age, national origin, marital status, sexual orientation, familial status, disability, limited English proficiency, or because all or a part of an individual's income is derived from a public assistance program. In programs that receive Federal financial assistance from USDA, discrimination is prohibited on the bases of race, color, religious creed, sex, political beliefs, age, disability, national origin, or limited English proficiency. (Not all bases apply to all programs.) Reprisal is prohibited based on prior civil rights activity.

To file a program discrimination complaint, please complete the [USDA Program Discrimination Complaint Form](#). You or your authorized representative must sign the complaint form. You are not required to use the complaint form. You may write a letter instead. If you write a letter, it must contain all of the information requested in the form and be signed by you or your authorized representative. Incomplete information will delay the processing of your complaint. **Employment civil rights complaints will not be accepted through this email address.**

Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.), should contact USDA's TARGET Center at (202) 720-2600 (voice and TDD).

Send your completed complaint form or letter to us by mail, fax, or email. Here are our addresses and fax number:

#### Mail

U.S. Department of Agriculture  
Director, Office of Adjudication  
1400 Independence Avenue, SW  
Washington, DC 20250-9410

#### Fax

(202) 690-7442

#### E-mail

[program\\_intake@usda.gov](mailto:program_intake@usda.gov)

For help filling out the form, you may call any of these telephone numbers:

(202) 260-1026 (Local)  
(866) 632-9992 (Toll-free Customer Service)  
(800) 877-8339 (Local or Federal relay)  
(866) 377-8642 (Relay voice users)

Click on the topics below for detailed information.

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### How do I request a waiver of the 180-day filing deadline?

A waiver may be granted for the following reasons: (1) the discriminatory act could not reasonably be expected to be known within the 180-day period; (2) illness or incapacitation; (3) the same complaint was filed with another Federal, state, or local agency; and (4) any other basis determined by the Director of the Office of Adjudication.

### Whom may I contact for further information on filing a program discrimination complaint?

You may contact the Office of Assistant Secretary for Civil Rights, Information Research Service, on (866) 632-9992 (toll free) or (202) 260-1026 or send an email to the Office of the Assistant Secretary for Civil Rights at [CR-INFO@ascr.usda.gov](mailto:CR-INFO@ascr.usda.gov). Individuals who are deaf, hard of hearing, or have speech disabilities, may contact us through the Federal Relay Service on (800) 877-8339 or (800) 845-6136 (Spanish)..

### How is my discrimination complaint processed?

Filing a USDA program discrimination complaint does not waive or toll requirements for filing a lawsuit. Complainants are advised that they may wish to consult a lawyer at their earliest convenience to ensure that

their rights are protected and preserved.

### **Intake Stage**

The first stage of the program discrimination complaint process is the intake stage. At this stage, the Office of Adjudication determines whether your complaint meets the legal requirements to be accepted for processing. Prior to making this determination, the Office of Adjudication may request clarification or additional information about the complaint from you. For more information about what must be included in your complaint, read [How To File A Program Discrimination Complaint](#).

If your complaint is not accepted for processing, the Office of Adjudication will send you a letter notifying you why your complaint was not accepted and your complaint will be dismissed. If appropriate, your dismissed complaint may be referred to an agency or forum that may assist in resolving the issues. In this case, you will also be notified of the referral.

If your complaint is accepted for processing, the Office of Adjudication will send you a letter to notifying you of the acceptance and inform you of the issues that will be investigated. The USDA agency that your complaint is against will be required to prepare a written statement giving their position regarding your complaint. After the agency's position statement is received, the case will be sent to the next stage, investigation.

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### **Investigation Stage**

During the investigation stage, the Office of Adjudication will assign an investigator to the complaint. The investigator will contact you, any agency employees involved, and any other appropriate individual, to obtain sworn statements and documents relating to the issues in the complaint. After the complaint is investigated, a Report of Investigation is prepared and the complaint is sent to the next stage, adjudication. The complainant may obtain a copy of the Report of Investigation, after the complaint is closed, by making a request under the [Freedom of Information Act](#).

### **Adjudication Stage**

During the adjudication stage, the Office of Adjudication will review the Report of Investigation and perform a legal and factual analysis of the complaint to determine whether discrimination occurred. Based on this analysis, the Office of Adjudication will issue a Final Agency Decision. The Final Agency Decision will contain an analysis of the claims in the complaint and the Office of Adjudication conclusions and findings, including whether discrimination was found.

If discrimination is found, the Office of Adjudication may attempt to settle the complaint or take other corrective action, as appropriate. If no discrimination is found, the complaint is closed. A copy of the Final Agency Decision will be mailed to the complainant after it is signed by the Director of the Office of Adjudication.

If your complaint alleges discrimination based on disability, you may appeal the Final Agency Decision to the Assistant Secretary for Civil Rights within 90 days of receipt of the Final Agency Decision. This opportunity for appeal applies only to complaints alleging discrimination based on disability.

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### **NOTE**

In complaints alleging discrimination in certain USDA programs or those falling under the authority of other government agencies or departments, the complaint may be processed in accordance with a Memorandum of Understanding. In those instances, the procedure used to process your complaint may be different from the procedure described above. The procedure used will be determined by the Memorandum of Understanding.