

UNCLASSIFIED

(U) COMPENSATORY DAMAGES FORM (NOTIFICATION)

(U) If you intend to seek compensatory damages in the form of pecuniary losses (e.g., out of pocket expenses) or non-pecuniary loss (e.g., emotional harm) as part of the relief you request or may be entitled to should you prevail in your EEO discrimination complaint, you have the burden of proving that the damages you incurred were caused by the discrimination. You also have the burden of proving the amount of damages you seek. As such, you are advised of the following.

(U) To enable the agency to assess the merits of a request for compensatory damages, you should submit objective evidence (e.g., statements concerning your emotional pain or suffering, inconvenience, mental anguish, loss of enjoyment of life, injury to professional standing, injury to character or reputation, injury to credit standing, loss of health) and any other losses you believe you incurred as a result of the discriminatory conduct you have alleged.

(U) You may submit statements from others, including family members, friends, health care providers, other counselors (including clergy), addressing, for example, the outward manifestations or physical consequences of emotional distress, including sleeplessness, anxiety, stress, depression, marital strain, humiliation, emotional distress, loss of self-esteem, excessive fatigue, or a nervous breakdown.

(U) Objective evidence, in addition to statements from yourself and others, may include documents indicating your actual out-of-pocket expenses, if any, related to medical treatment, counseling, and so forth, related to the injury allegedly caused to you by the discrimination you have claimed.

(U) You must establish a connection between the alleged discriminatory action and the resulting injury (or injuries) you claim.

(U) Additionally, the Equal Employment Opportunity Commission (EEOC) requires that you be advised that your request for compensatory damages may permit the agency to seek personal and sensitive information from you in order to determine whether the injury you claim is linked solely, partially, or not at all to the alleged discriminatory conduct.

Derived from EEOC guidance in re: Broughton v. Dept. of Navy, 95 FEOR 1242 (EEOC-OFO Dec. No. 01951999, April 25, 1995).

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