

Frequently Asked Questions About Appealing a NYC Commission on Human Rights “Determination and Order After Investigation”

If you have additional questions about appeals, call (212) 416-0261.

Q. I just received a “Determination and Order After Investigation” from the Commission’s Law Enforcement Bureau. What are my options?

A. If your case has been closed by the Commission’s Law Enforcement Bureau based on a finding of no probable cause:

1. You can file an appeal with the Commission’s Office of the Chair. This process is explained in further detail in this document; or
2. You can accept the decision and do nothing.

Q. What happens if I appeal the “Determination and Order After Investigation” to the Commission’s Office of the Chair?

A. In an appeal, the Commission’s Office of the Chair will conduct an independent review of the Law Enforcement Bureau’s decision. The Office of the Chair will review the Law Enforcement Bureau’s investigation file and will inform the parties of their option to submit comments. The Office of the Chair will then review any comments submitted by the parties and will decide whether the Law Enforcement Bureau’s decision should be changed.

If the Office of the Chair disagrees with the decision to close your case, it can order the Law Enforcement Bureau to continue investigating your case or modify the decision in some other way. If the Office of the Chair determines the decision to close your case was appropriate, it will affirm the decision.

Q. Is there a time limit for filing an appeal with the Commission?

A. Yes. **You must submit your request for an appeal within 30 days after you receive the “Determination and Order After Investigation.”** It is important that you do not delay submitting your appeal request or contacting the Commission with questions at (212) 416-0261. **If you fail to file your appeal request on time, you may forfeit your right to an appeal.** If your appeal is late, you must explain why and be prepared to provide proof of the cause of your delay.

Q. How should I submit my appeal?

A. An appeal request should be made in writing, mailed to:

The Office of the Chair
NYC Commission on Human Rights
22 Reade Street
New York, NY 10007

Q. What should my appeal request include?

A. Your appeal request should include (1) your name, (2) the case number, and (3) a brief statement indicating that you are appealing the decision to close your case.

(It is not necessary to provide additional information in your initial appeal request. After an appeal is filed, you will have an opportunity to submit written comments explaining the reasons you think the Law Enforcement Bureau's decision should be changed or affirmed.)

Q. What happens after I file my appeal request?

A. After an appeal is filed, the Office of the Chair will send a letter to all parties setting deadlines to submit written comments. You are not required to submit written comments, but may do so to explain why you believe the Law Enforcement Bureau's decision to close your case was correct or incorrect.

After the deadlines for comments have passed, the Office of the Chair will conduct an independent review of the Law Enforcement Bureau's investigation file and any appeal comments submitted by the parties. The Office of the Chair will send the parties a written decision once the appeal is decided.

Q. What should I include in my appeal comments?

A. If you decide to submit appeal comments, your comments should explain why you believe the Law Enforcement Bureau's decision was correct or incorrect. Generally, comments should focus on the information or evidence that was before the Law Enforcement Bureau when it closed the case. Comments generally should not include new evidence that was not considered by the Law Enforcement Bureau. In addition, comments typically should not exceed 8 pages in length.

Q. If I request a copy of the investigation file, does that delay or postpone my appeal?

A. No. If you want to request a copy of the Law Enforcement Bureau's investigation file, you should submit a separate written request to the Law Enforcement Bureau including (1) your name, (2) the case number, and (3) a statement that you are requesting a copy of the Law Enforcement Bureau's investigation file. The request should be mailed to:

Elizabeth Osley, Administrative Counsel
Law Enforcement Bureau
NYC Commission on Human Rights
22 Reade Street
New York, NY 10007

You should not wait to file an appeal, even if you are waiting to receive a copy of your investigation file. Late appeal requests will not be excused because you have requested or are waiting for a copy of the investigation file. However, once you have requested an appeal, you may submit a written request to extend your time to submit comments. If you are waiting for the investigation file and need additional time to receive it and review it, you can note that in your initial appeal request. Please bear in mind that investigation file requests and appeals are handled by different offices at the Commission.

Q. How do I request an extension of the deadline for comments?

A. Extension requests for appeal comments should be submitted in writing and include an explanation of the reason an extension is needed. Extensions will only be granted if there is a good reason why you could not submit comments on time. If you need an extension, you should state how much of an extension you are seeking and be reasonable about how much extra time you request.

Q. What should I do if my address or legal representation changes while my appeal is pending?

A. Please promptly notify the Office of the Chair of any change of address or change in legal representation. You can do by mail to the Office of the Chair at the address listed above.

You are responsible for keeping your contact information up to date with the Commission. If you have a private attorney, you are responsible for making sure that your attorney is continuing to handle your case at the Commission on your behalf.

Q. Is an appeal to the Commission's Office of the Chair different from filing in court?

A. Yes. By filing an appeal at the Commission, you are asking the Commission to take a second look before it finally closes your case with the agency. If the Commission closes your case after an appeal, you may be able to challenge the Commission's final decision under section 8-123 of the New York City Administrative Code. **However, you must file an appeal with the Office of the Chair before challenging the Commission in state court under section 8-123.** A copy of the law is available at NYC.gov/HumanRights. **You should consult an attorney about pursuing your options in court.**

Q. Can I also file a case in court while my appeal is pending?

A. No, you cannot file a case in court while your appeal is pending at the Commission.