



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**Office of Federal Operations**  
**P.O. Box 77960**  
**Washington, DC 20013**

[REDACTED]  
Tyra F.,<sup>1</sup>  
Complainant,

v.

Louis DeJoy,  
Postmaster General,  
United States Postal Service  
(Field Areas and Regions),  
Agency.

Request No. 2024000886

Appeal No. 2023002747

Hearing No. 430-2021-00212X

Agency No. 4K-270-0123-20

**DECISION ON REQUEST FOR RECONSIDERATION**

Complainant requested that the Equal Employment Opportunity Commission (EEOC or Commission) reconsider its decision in Tyra F. v. U.S. Postal Service, EEOC Appeal No. 2023002747 (Oct. 17, 2023). EEOC Regulations provide that the Commission may, in its discretion, grant a request to reconsider any previous Commission decision issued pursuant to 29 C.F.R. § 1614.405(a), where the requesting party demonstrates that: (1) the appellate decision involved a clearly erroneous interpretation of material fact or law; or (2) the appellate decision will have a substantial impact on the policies, practices, or operations of the agency. See 29 C.F.R. § 1614.405(c).

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<sup>1</sup> This case has been randomly assigned a pseudonym which will replace Complainant's name when the decision is published to non-parties and the Commission's website.

The record indicates that on September 5, 2020, Complainant filed her complaint alleging discrimination based on race, color, and in reprisal for prior EEO activity when:

1. On January 26, 2020, February 4, 2020, February 8, 2020, February 11, 2020, February 12, 2020, February 13, 2020, March 7, 2020, March 8, 2020, March 14, 2020, March 21, 2020, April 4, 2020, April 11, 2020, April 18, 2020, and February 13, 2020, she was constantly berated and intimidated. She stated that management stared at her and held inappropriate conversations with each other about her, sabotaged her work and referred to her as “ridiculous.”
2. From February 2020 to May 2020, she was not afforded the same opportunity for training as her Caucasian coworkers.
3. Beginning in January 2020, and ongoing, she alleged instead of management helping her to train, she was screamed and laughed at and told, “I bet I can tell you anything and you will do it”, and management told co-workers she was from “Jersey,” and Complainant was a “whore.”
4. On or about February 9, 2020, she was removed from the work schedule and required to call and/or text each week to get her schedule.
5. On February 10, 2020, and February 11, 2020, she was followed on the street and harassed.
6. On February 12, 2020, she was removed from the work schedule, and told she would only be working weekends.
7. Complainant alleged on March 7, 2020, and March 14, 2020, after filing grievances regarding the harassment the situation got worse and she was accused of fraud, subjected to racial comments, called a “heifer,” and told by her coworkers, that the Acting Supervisor made a comment toward her, stating “Ms. Overachiever has something coming for her.”
8. In March 2020, she was told by her coworkers that the Acting Supervisor and Postmaster talked about her in a negative manner.
9. On April 11, 2020, she was denied EMA pay and told to go home without pay.
10. In May 2020, she alleged the Acting Supervisor attempted to sabotage her work and she was sent home.
11. On May 19, 2020, she was forced to resign which became effective on May 29, 2020.

Complainant requested a hearing before an EEOC Administrative Judge (AJ). The AJ issued a decision without a hearing finding no discrimination. The Agency issued its final order adopting the AJ's decision. Complainant appealed, and the Commission's prior decision affirmed the Agency's final order. In her request, Complainant, reiterating arguments she previously made, provides no evidence to warrant granting her request.

The Commission emphasizes that a request for reconsideration is not a second appeal to the Commission. Equal Employment Opportunity Management Directive for 29 C.F.R. Part 1614 (EEO MD-110) (Aug. 5, 2015), at 9-18; see, e.g., Lopez v. Dep't of Agric., EEOC Request No. 0520070736 (Aug. 20, 2007). Rather, a reconsideration request is an opportunity to demonstrate that the appellate decision involved a clearly erroneous interpretation of material fact or law, or will have a substantial impact on the policies, practices, or operations of the Agency. Complainant has not done so here.

After reviewing the previous decision and the entire record, the Commission finds that the request fails to meet the criteria of 29 C.F.R. § 1614.405(c), and it is the decision of the Commission to deny the request. The decision in EEOC Appeal No. 2023002747 remains the Commission's decision. There is no further right of administrative appeal on the decision of the Commission on this request.

#### COMPLAINANT'S RIGHT TO FILE A CIVIL ACTION (P0124)

This decision of the Commission is final, and there is no further right of administrative appeal from the Commission's decision. You have the right to file a civil action in an appropriate United States District Court **within ninety (90) calendar days** from the date that you receive this decision. If you file a civil action, you must name as the defendant in the complaint the person who is the official Agency head or department head, identifying that person by their full name and official title. Failure to do so may result in the dismissal of your case in court. "Agency" or "department" means the national organization, and not the local office, facility or department in which you work.

#### RIGHT TO REQUEST COUNSEL (Z0815)

If you want to file a civil action but cannot pay the fees, costs, or security to do so, you may request permission from the court to proceed with the civil action without paying these fees or costs. Similarly, if you cannot afford an attorney to represent you in the civil action, you may request the court to appoint an attorney for you. **You must submit the requests for waiver of court costs or appointment of an attorney directly to the court, not the Commission.** The court has the sole discretion to grant or deny these types of requests.

Such requests do not alter the time limits for filing a civil action (please read the paragraph titled Complainant's Right to File a Civil Action for the specific time limits).

FOR THE COMMISSION:



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Carlton M. Hadden, Director  
Office of Federal Operations

January 24, 2024  
Date