



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

[REDACTED]  
Alex W.,<sup>1</sup>  
Complainant,

v.

Alejandro N. Mayorkas,  
Secretary,  
Department of Homeland Security  
(Federal Emergency Management Agency),  
Agency.

Request Nos. 2023005350 & 2024001381

Appeal Nos. 2022000997 & 2022000998

Hearing Nos. 570-2021-00498X & 450-2020-00299X

Agency Nos. HS-FEMA-01303-2020 & HS-FEMA-00036-2019

**DECISION ON REQUEST FOR RECONSIDERATION**

Complainant requested that the Equal Employment Opportunity Commission (EEOC or Commission) reconsider its decision in Alex W. v. Department of Homeland Security, EEOC Appeal Nos. 2022000997 & 2022000998 (Aug. 31, 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).

The record indicates that on March 12, 2019, and June 8, 2020, Complainant filed two complaints, which were consolidated, alleging discrimination based on sex, disability, and in reprisal for prior EEO activity when:

---

<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.

1. On August 30, 2018, management denied his Position Task Book waiver appeal.
2. About October 2018, management deployed him to a smaller disaster site in Georgia that paid less than his site in Florida.
3. About October 2018, management ignored his emails and accused him of harassing other employees.
4. On November 5, 2018, management provided him with reasonable accommodation after withholding it from him.
5. On September 5, 2019, management threatened to demobilize him.
6. On September 5, 2019, through September 12, 2019, management ignored his emails while responding to emails of his colleagues.
7. About December 4, 2019, management failed to provide him with requested Mission training materials.
8. On March 2, 2020, a Reservist Program Manager and an Individual Assistance Cadre Coordinator disclosed Complainant's prior EEO activity to the cadre management team.
9. About March 9, 2020, he learned that he was overlooked for an Individuals in Household Crew Leader position in March and April 2018.

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 decisions. Complainant appealed, and the Commission's prior decision affirmed the Agency's final order.

In his request, Complainant provides no evidence to warrant granting his request.<sup>2</sup> 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 Nos. 2022000997 & 2022000998 remains the Commission's decision. There is no further right of administrative appeal on the decision of the Commission on this request.

---

<sup>2</sup> In his request, Complainant indicates that the prior decision did not address his claim concerning official time for the instant hearing process, i.e., from April to May 2021. This was not at issue in the instant complaint. Our records indicate, and the Agency states, that on October 12, 2021, Complainant filed a subsequent complaint, Agency No. HS-FEMA-01698-2021, in which he raised this claim. The Agency issued a final order on November 18, 2022, concerning that complaint. Complainant appealed and that appeal is pending before the Commission in EEOC Appeal No. 2023001164.

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:



Carlton M. Hadden, Director  
Office of Federal Operations

January 31, 2024

Date