



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

[REDACTED]  
Travis H,<sup>1</sup>  
Complainant,

v.

Gina M. Raimondo,  
Secretary,  
Department of Commerce  
(Bureau of the Census),  
Agency.

Request No. 2024002078

Appeal No. 2022004035

Agency No. 63-2020-00428-D

**DECISION ON REQUEST FOR RECONSIDERATION**

Complainant timely requested that the Equal Employment Opportunity Commission (EEOC or Commission) reconsider its decision in EEOC Appeal No. 2022004035 (January 8, 2024).

**ISSUE PRESENTED**

Whether Complainant's request for reconsideration of EEOC Appeal No. meets the criteria detailed in 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.

### STANDARD OF REVIEW

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).

### CONTENTIONS ON RECONSIDERATION

In his request for reconsideration, Complainant contended that the Agency did not upload its final decision on to the EEOC Public Portal until December 12, 2023. Complainant further asserted that circumstances beyond his control including the COVID-19 pandemic and technical issues frustrated him in uploading his notice of appeal on the EEOC Public Portal before July 21, 2022. Complainant provided a U.S. Postal Service tracking document indicating that he had signed for first class mail containing the Agency's final decision correspondence on April 12, 2022. Complainant further states that he was "not properly advised by the Agency about the final decision to file his appeal no later than April 18, 2022." The request contained a log of telephone calls that Complainant made to the Commission between July 2022 and October 2022.

### ANALYSIS

Complainant's asserts that he was notified about the Agency's final decision and his appeal rights by April 18, 2022 at the latest. Although Complainant's documentation established that the EEOC Public Portal has experienced uploading difficulties, Complainant has not adequately explained why he did not file his appeal until July 2022, which is more than thirty days beyond the April 18, 2022 date when he acknowledged that he had received the final Agency decision.

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. 2022004035 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:



Carlton M. Hadden, Director  
Office of Federal Operations

December 30, 2024

Date