



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

[REDACTED]  
Deidra D.,<sup>1</sup>  
Complainant,

v.

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

Request No. 2024002372

Appeal No. 2022004778

Hearing No. 410-2020-00566X

Agency No. 4K-300-0098-20

**DECISION ON REQUEST FOR RECONSIDERATION**

Complainant timely requested that the Equal Employment Opportunity Commission (EEOC or Commission) reconsider its decision in Deidra D. v. United States Postal Service, EEOC Appeal No. 2022004778 (January 25, 2024).

**ISSUE PRESENTED**

Whether Complainant's request for reconsideration of EEOC Appeal No. 2022004778 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.

### BACKGROUND

During the relevant time, Complainant worked for the Agency as a Rural Carrier at the Agency's Post Office in Jonesboro, Georgia.

On April 15, 2020, Complainant filed an EEO complaint alleging that the Agency harassed and discriminated against her on the bases of sex (female) and in reprisal for prior protected EEO activity when:

1. On January 10, 2020, Complainant's supervisor forcefully removed a clipboard from her hand, verbally assaulted her, ordered her off postal property, and put her on Emergency Placement.
2. On January 11, 2020, Complainant was forced to report for an Investigative Interview and instructed to report to her route.
3. On January 22, 2020, Complainant saw her supervisor mocking her.
4. On January 28, 2020, Complainant was issued a 14-day suspension.
5. On March 28, 2020, management asked a coworker to write a statement against Complainant.

Following an investigation by the Agency into the claims, Complainant requested a hearing before an EEOC Administrative Judge (AJ). However, on motion of the Agency, the AJ issued a summary judgment decision concluding Complainant failed to prove discrimination or unlawful retaliation as alleged. Thereafter, the Agency issued a final order implementing the AJ's decision. Complainant appealed.

In Appeal No. 2022004778, the Commission affirmed the Agency's final order implementing the AJ's summary judgment decision. In so doing, the Commission found that, even accepting Complainant's version of events as true, Complainant failed to establish beyond a preponderance of the evidence that the actions complained of were based on her protected classes. Furthermore, the Commission found that she failed to establish a prima facie case of harassment or discrimination and, even construing any inferences raised by the undisputed facts in favor of Complainant, a reasonable factfinder could not find in her favor. The instant request for reconsideration from Complainant followed.

### CONTENTIONS ON REQUEST

Complainant argues that the Commission should reverse its decision, as she has established prima facie cases of retaliation, discrimination, and harassment/hostile work environment, and the Agency's reasons for its actions were pretext for discrimination. In response, the Agency asks that the Commission affirm its final decision.

### 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).

### ANALYSIS

We have reviewed the submissions by Complainant in support of the instant request for reconsideration. However, we determine that there is no reason to disturb the Commission's prior decision. In so doing, we note that Complainant generally reiterates arguments raised and previously considered in the prior appeal. 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), Chap. 9 § VI.A (Aug. 5, 2015); 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. 2022004778 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

November 12, 2024  
Date