



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Office of Federal Operations

P.O. Box 77960

Washington, DC 20013

[REDACTED]
Wanda S,¹
Complainant,

v.

Louis DeJoy,
Postmaster General,
United States Postal Service
(Headquarters),
Agency.

Appeal No. 2024002582

Agency No. 6X-250-0016-22

DISMISSAL OF APPEAL

By Notice of Appeal postmarked March 4, 2024, Complainant filed an appeal with the Equal Employment Opportunity Commission (EEOC or Commission) from the Agency's February 15, 2023 final decision finding no breach of an August 8, 2022 settlement agreement between Complainant and the Agency.²

In her Notice of Appeal Form for the instant matter, Complainant sets forth that she received the Agency's final decision on February 25, 2023.³

¹ 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.

² Commission records reflect that Complainant included in her March 4, 2024, appeal package two Notice of Appeal forms, one for the instant matter and one for Agency Case No. 6X-270-0010-23. The Commission docketed a separate appeal for Agency Case No. 6X-270-0010-23, EEOC Appeal No. 2024002501, which is currently pending before the Commission. Thus, we will not address further herein Agency Case No. 6X-270-0010-23.

³ The record contains a United States Postal Service printout indicating that the final agency decision was delivered to Complainant's address of record at

A review of the final decision reveals that the Agency properly advised Complainant that she had thirty calendar days after receipt of its final decision to file her appeal with the Commission. Complaint File at 21.⁴ Complainant's appeal was filed on March 4, 2024, well beyond the applicable time limit. Complainant has not offered adequate justification for an extension of the applicable time limit for filing her appeal.

CONCLUSION

Accordingly, Complainant's March 4, 2024 appeal is hereby DISMISSED. See 29 C.F.R. § 1614.403(c).

STATEMENT OF RIGHTS - ON APPEAL

RECONSIDERATION (M0124.1)

The Commission may, in its discretion, reconsider this appellate decision if Complainant or the Agency submits a written request that contains arguments or evidence that tend to establish 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.

Requests for reconsideration must be filed with EEOC's Office of Federal Operations (OFO) **within thirty (30) calendar days** of receipt of this decision. If the party requesting reconsideration elects to file a statement or brief in support of the request, **that statement or brief must be filed together with the request for reconsideration.** A party shall have **twenty (20) calendar days** from receipt of another party's request for reconsideration within which to submit a brief or statement in opposition. See 29 C.F.R. § 1614.405; Equal Employment Opportunity Management Directive for 29 C.F.R. Part 1614 (EEO MD-110), at Chap. 9 § VII.B (Aug. 5, 2015).

the "the door/porch" on February 17, 2023. Complaint File at 32, 45. Regardless if we use the date of February 17, 2023, or February 25, 2023, for the date on which Complainant received the final decision, her March 4, 2024 appeal is untimely filed.

⁴ Our citations to the Complaint File reference the page number of the pdf document before us on appeal.

Complainant should submit their request for reconsideration, and any statement or brief in support of their request, via the EEOC Public Portal, which can be found at

<https://publicportal.eeoc.gov/Portal/Login.aspx>

Alternatively, Complainant can submit their request and arguments to the Director, Office of Federal Operations, Equal Employment Opportunity Commission, via regular mail addressed to P.O. Box 77960, Washington, DC 20013, or by certified mail addressed to 131 M Street, NE, Washington, DC 20507. In the absence of a legible postmark, a complainant's request to reconsider shall be deemed timely filed if OFO receives it by mail within five days of the expiration of the applicable filing period. See 29 C.F.R. § 1614.604.

An agency's request for reconsideration must be submitted in digital format via the EEOC's Federal Sector EEO Portal (FedSEP). See 29 C.F.R. § 1614.403(g). Either party's request and/or statement or brief in opposition must also include proof of service on the other party, unless Complainant files their request via the EEOC Public Portal, in which case no proof of service is required.

Failure to file within the 30-day time period will result in dismissal of the party's request for reconsideration as untimely, unless extenuating circumstances prevented the timely filing of the request. **Any supporting documentation must be submitted together with the request for reconsideration.** The Commission will consider requests for reconsideration filed after the deadline only in very limited circumstances. See 29 C.F.R. § 1614.604(f).

COMPLAINANT'S RIGHT TO FILE A CIVIL ACTION (S0124)

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. If you file a request to reconsider and also file a civil action, **filing a civil action will terminate the administrative processing of your complaint.**

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