



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

[REDACTED]
Regina M.,¹
Complainant,

v.

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

Request No. 2024003475

Appeal No. 2024001945

Agency No. 6X-250-0003-24

DECISION ON REQUEST FOR RECONSIDERATION

Complainant timely requested that the Equal Employment Opportunity Commission (EEOC or Commission) reconsider its decision in Regina M. v. U.S. Postal Serv., EEOC Appeal No. 2024001945 (April 11, 2024).

ISSUE PRESENTED

Whether Complainant's request for reconsideration of EEOC Appeal No. 2024001945 meets the criteria detailed in 29 C.F.R. § 1614.405(c).

BACKGROUND

During the relevant period, Complainant worked as a Clerk at the Agency's Arkansas-Oklahoma District Office in Oklahoma City, Oklahoma. Complainant filed a formal EEO complaint alleging that the Agency

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.

discriminated against her on the bases of race, color, sex, and in reprisal for prior protected EEO activity when on or about September 1, 2023, the Agency omitted Complainant from a list of employees entitled to an arbitration award.

The Agency dismissed the complaint for failure to state a claim in accordance with 29 C.F.R. § 1614.107(a)(1). In the appellate decision, the Commission affirmed the Agency's dismissal decision. The Commission noted that a complainant could not use the EEO complaint process to lodge a collateral attack upon adjudications in other administrative forums. The Commission held that because Complainant was directly alleging that misinformation was provided to the union regarding her eligibility for an arbitration award, any remedy could only be provided from within the arbitration award process itself, and hence, Complainant's attempt to use the EEO process to obtain relief in the negotiated grievance forum constituted a collateral attack on that forum.

Complainant filed the instant request for reconsideration.

CONTENTIONS ON REQUEST

In her request, Complainant maintains her position that the Human Resources Manager "intentionally and maliciously excluded her name for an arbitration award that she was entitled to, and that this incident was the latest in a "continuous and extensive" history of the Human Resources Manager's discriminatory treatment of her. Further, Complainant denies that she was using the EEO complaint process to collaterally attack the arbitration process.

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 various arguments raised by Complainant in the instant request for reconsideration. However, we can find no basis to disturb the Commission's prior decision. Complainant presents numerous arguments which were previously raised and considered or could have been raised during the original 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. Instead of addressing these reconsideration criteria, Complainant appears to be re-arguing her appeal on its merits.

CONCLUSION

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. 2024001945 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

January 8, 2025

Date