



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

[REDACTED]  
Cami C,<sup>1</sup>  
Complainant,

v.

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

Request No. 2024003577

Appeal No. 2023001870

Hearing No. 520-2021-00047X

Agency No. 4B-117-0009-20

**DECISION ON REQUEST FOR RECONSIDERATION**

Complainant timely requested that the Equal Employment Opportunity Commission (EEOC or Commission) reconsider its decision in EEOC Appeal No. 2023001870 (April 17, 2024).

**ISSUE PRESENTED**

Whether Complainant's request for reconsideration of EEOC Appeal No. 2023001870 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 as the Postmaster, EAS-22, at the Post Office in Hicksville, New York.

Complainant filed a formal complaint, claiming hostile workplace discrimination based on sex (female) and in reprisal for prior protected EEO activity when:

1. On October 22, 2019, Complainant became aware that the District Manager (DM) bypassed her for a detail into an EAS-23 Post Office Operations Manager (POOM) position;
2. On November 14, 2019, the Post Office Operations Manager (POOM) and the Manager of Operations and Programs Support (MOPS) sent Complainant's Postal Assignment Support System (PASS) machine to the Stony Brook Post Office;
3. On November 14, 2019, the POOM yelled at her stating "how do you think you are going to cover me and send out this email" and then hung up the telephone;
4. On January 27, 2019, the DM denied Complainant's request for a detail to an EAS-24 District Operations Support position; and
5. In February 2020, an additional custodian, that Complainant did not request and that her facility had not earned, was assigned to her, and thereafter the Operations Support Specialist (OSS) admonished her and told her that he would have to report her to the Area Office for being over on her custodial hours.

After an investigation, Complainant requested a hearing, and the assigned EEOC Administrative Judge (AJ) issued a decision by summary judgment concluding the evidence of record did not establish any discrimination. Thereafter, the Agency issued a final order implementing the AJ's finding of no discrimination. Complainant appealed.

In EEOC Appeal No. 2023001870, the Commission affirmed the Agency's final order implementing the AJ's finding of no discrimination. We noted that, for example, regarding claim (1), the DM selected CW1 to cover the POOM position because he had performed satisfactorily when covering a previous POOM position.

At the time, Complainant had been working less than three months as the Hicksville Postmaster after having been demoted from a POOM position for gross negligence. The DM believed that just a few months was an insufficient amount of time for Complainant to demonstrate success in her Postmaster position and capable again of handling higher level managerial responsibilities. As to claim (2), officials determined that the PASS Machine Complainant removed from the Plainview Post Office without authorization would be best utilized at another post office which did not have one and that the one at the Hicksville Post Office was sufficient. With respect to claim (3), while the POOM's conduct may have been unprofessional or rude, there is no evidence demonstrating that he acted with discriminatory or retaliatory animus. The record demonstrates that both Complainant and the POOM were frustrated over the issue with the PASS machine.

As to claim (4), the DM affirmed that CW2 was selected for the MOPS position because he was very familiar with the Delivery Operations unit and its day-to-day functions. As AJ2 noted, it was even more unreasonable for Complainant to expect the DM to consider her to cover for the MOPS position as the position was two levels higher than Complainant's and she had been working less than six months as the Hicksville Postmaster after having been demoted.

Finally, as to claim (5), Complainant was not assigned an additional custodian; rather, the position was filled after the retirement of the incumbent. Further, notifying Complainant that her office was over its budgeted hours and advising the Area Office were part of the OSS's duties. The instant request for reconsideration from Complainant followed.

#### CONTENTIONS ON REQUEST

Complainant offers little in the instant request other than repeating earlier arguments. Without support, Complainant's counsel asserts that the Commission's prior decision involved a clearly erroneous interpretation of material fact or law.

#### 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 submission 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. As already noted, Complainant raises little argument to support her request for reconsideration. We emphasize 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), 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. 2023001870 remains the Commission's decision. There is no further right of administrative appeal on the decision of the Commission on this request.

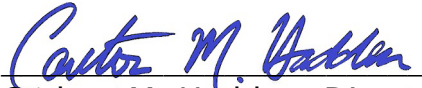
### COMPLAINANT'S RIGHT TO FILE A CIVIL ACTION (P0124)

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 2, 2025

Date