



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

██████████
Walker S.,¹
Complainant,

v.

Sean Duffy,
Secretary,
Department of Transportation
(Federal Aviation Administration),
Agency.

Request No. 2024004196

Appeal No. 2024002281

Hearing No. 560-2024-00018X

Agency No. 2023-29893-FAA-05

DECISION ON REQUEST FOR RECONSIDERATION

Complainant timely requested that the Equal Employment Opportunity Commission (EEOC or Commission) reconsider its decision in Walker S. v. Department of Transportation, EEOC Appeal No. 2024002281 (June 26, 2024). For the reasons discussed below, we deny Complainant's request.

ISSUE PRESENTED

Whether Complainant's request for reconsideration of EEOC Appeal No. 2024002281 meets the criteria detailed in 29 C.F.R. § 1614.405(c).

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.

CONTENTIONS ON REQUEST

Complainant filed a statement in support of his request for reconsideration, repeating the allegation that he raised in EEOC Appeal No. 2024002281. Specifically, he reiterates that he suspected that he was being discriminated against on February 6, 2023, which was a year after the Agency notified him that he was not selected for Vacancy Announcement No. FAA-ATO-21-ALLSRCE-73599.

In response, the Agency argues that the dismissal for untimely EEO contact should be affirmed because Complainant did not deny that he was notified of his non-selection on February 9, 2022, or that he contacted an EEO Counselor one year after the alleged discriminatory event.

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

In the instant request for reconsideration, Complainant reiterates the allegation that he raised in EEOC Appeal No. 2024002281 and requests that the Commission provide another opportunity to prove his case. Specifically, he reiterates that his EEO contact should be considered timely because he suspected discrimination on February 6, 2023, and contacted an EEO counselor within 45 days of that date. Despite Complainant's contentions, this allegation was carefully considered in the appellate decision. In EEOC Appeal No. 2024002281, we explained that the limitation period under EEOC regulations is triggered when a complainant reasonably should have suspected discrimination, and that in this case. it was when he was not selected on February 9, 2022, and not one year later when he learned new information about another position that was unrelated to his non-selection under Vacancy Announcement No. FAA-ATO-21-ALLSRCE-73599.

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. 2024002281 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)

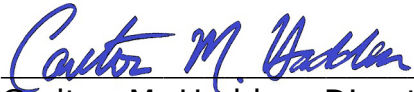
This decision of the Commission is final, and there is no further right of administrative appeal from the Commission's decision. You have the right to file a civil action in an appropriate United States District Court **within ninety (90) calendar days** from the date that you receive this decision. 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

March 4, 2025

Date