



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

[REDACTED]  
Dominica V.,<sup>1</sup>  
Complainant,

v.

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

Request No. 2024004255  
Appeal No. 2024001819  
Agency No. 4G-730-0123-23

**DECISION ON REQUEST FOR RECONSIDERATION**

Complainant requested that the Equal Employment Opportunity Commission (EEOC or Commission) reconsider its decision in Dominica V. v. United States Postal Service, EEOC Appeal No. 2024001819 (June 12, 2024). For the following reasons, the Commission DENIES Complainant's request

**ISSUE PRESENTED**

Whether Complainant's request for reconsideration of EEOC Appeal No. 2024001819 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

At the time of events giving rise to this complaint, Complainant worked as a Rural Carrier at the Agency's Broken Arrow Post Office in Jenks, Oklahoma. On November 24, 2023, Complainant filed a formal complaint alleging that the Agency subjected her to discrimination on the bases of disability (physical) and age (60) when, on June 18, 2022, Complainant was laid off from her position as a Rural Carrier.

The Agency issued its final decision dismissing the complaint. The Agency concluded that the Complainant's August 8, 2023 EEO Counselor contact was not within the 45-day time limit after the alleged discriminatory incident. The Agency noted that Complainant did not claim to be unaware of the time limit for contacting an EEO Counselor. Further, the Agency noted that the EEO Dispute Resolution Specialist's Inquiry Report attests to the presence of a properly displayed EEO poster at the work facility. Complainant files the instant request for reconsideration.

### CONTENTIONS ON REQUEST

Complainant reiterates the claim in her complaint. The Agency did not submit a response.

### 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

After a thorough review of Complainant's request, we find that she provides no evidence or argument to warrant granting her request. In her request for reconsideration, Complainant reiterates arguments made and fully considered on appeal. The Commission emphasizes 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) (Aug. 5, 2015), at 9-18; 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. We therefore determine that there is no reason to disturb the Commission's prior decision.

### 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. 2024001819 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