



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

**Office of Federal Operations**

**P.O. Box 77960**

**Washington, DC 20013**

[REDACTED]  
Maynard G,<sup>1</sup>  
Complainant,

v.

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

Appeal No. 2024004679

Agency No. 6X-210-0010-24

**DECISION**

Complainant filed a timely appeal with the Equal Employment Opportunity Commission (EEOC or Commission) from the Agency's final decision dated August 6, 2024, dismissing a formal complaint of unlawful employment discrimination in violation of Title VII of the Civil Rights Act of 1964 (Title VII), as amended, 42 U.S.C. § 2000e et seq. Upon review, the Commission finds that Complainant's complaint was properly dismissed pursuant to 29 C.F.R. § 1614.107(a)(1) for failure to state a claim.

**ISSUES PRESENTED**

Whether the Agency properly dismissed Complainant's complaint for failure to state a claim.

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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 period at issue, Complainant worked as a Letter Carrier at the Agency's post office in Elkins Park, Pennsylvania.

On July 2, 2024, Complainant filed a formal complaint alleging that the Agency subjected him to discrimination in reprisal for prior protected EEO activity (prevailing in 2009 EEO case) when:

From June 2023 through October 2023, the Agency failed to adjust Complainant's health benefits payment from OWCP [Office of Workers Compensation] to the USPS, which resulted in Complainant receiving an invoice for \$1,267.80 on November 8, 2023.

On August 6, 2024, the Agency dismissed the complaint for failure to state a claim under 29 C.F.R. § 1614.107(a)(1). Specifically, the Agency determined that Complainant's claim amounted to an improper collateral attack on the non-EEO procedure under the Debt Collection Act, 31 U.S.C. § 3711.

The instant appeal followed.

### CONTENTIONS ON APPEAL

On appeal, Complainant states that in early 2023, he was placed on disability leave under the OWCP, which took temporary control for payment of his health insurance premiums. In June 2023, after Complainant returned to working at the Agency, it took several pay periods before payment of his health insurance premiums was resumed by Agency. As a result, the Agency sent an invoice to Complainant for a debt of \$1,267.80 for non-payment of health insurance premiums. Complainant contends that someone in the Philadelphia District's Human Relations Department had purposefully delayed transferring the health insurance payments from OWCP back to the Agency in order to burden him with the debt. According to Complainant, this purported action was done in retaliation for him prevailing on a 2009 EEO case wherein he received significant amounts of backpay and leave under a settlement agreement. Complainant further stated that he knew that the Agency had processed another letter carrier's return from OWCP in a prompter manner that did not cause the other letter carrier to incur a debt.

### STANDARD OF REVIEW

The Agency's decision to dismiss a complaint is subject to de novo review by the Commission, which requires the Commission to examine the record without regard to the factual and legal determinations of the previous decision maker and issue its decision based on the Commission's own assessment of the record and its interpretation of the law. 29 C.F.R. § 1614.405(a). The Commission should construe the complaint in the light most favorable to the complainant and take the complaint's allegations as true. See Cobb v. Department of the Treasury, EEOC Request No. 05970077 (March 13, 1997). Thus, all reasonable inferences that may be drawn from the complaint's allegations must be made in favor of the complainant.

### ANALYSIS

The regulation set forth at 29 C.F.R. § 1614.107(a)(1) provides, in relevant part, that an agency shall dismiss a complaint that fails to state a claim. An agency shall accept a complaint from any aggrieved employee who believes that he has been discriminated against by that agency because of race, color, religion, sex, national origin, age, disabling condition, genetic information, or reprisal. 29 C.F.R. §§ 1614.103, 1614.106(a). The Commission finds that this complaint fails to state a claim because Complainant failed to show that he suffered harm or loss with respect to a term, condition, or privilege of employment for which there is a remedy under EEOC regulations. See Diaz v. Dep't of the Air Force, EEOC Request No. 05931049 (Apr. 21, 1994). The Commission has held that an employee cannot use the EEO complaint process to lodge a collateral attack on another proceeding. Wills v. Dep't of Def., EEOC Request No. 05970596 (July 30, 1998); Kleinman v. U.S. Postal Serv., EEOC Request No. 05940585 (Sept. 22, 1994); Lingad v. U.S. Postal Serv., EEOC Request No. 05930106 (June 25, 1993).

In his formal complaint, Complainant is asserting that his debt was created by the Agency's delay in resuming payments for his health insurance after his return from OWCP back to the Agency. Essentially, Complainant is disputing his liability for the missed health insurance payments and requests that the debt be waived.

We concur with the Agency in that EEOC is not the proper forum for Complainant to assert this claim or to pursue his desired remedy. The Debt Collection Act mandates that monetary disputes involving a federal agency and any claimed debtor must be resolved in accordance with the provisions of the Debt Collection Act.

Therefore, the proper forum for Complainant to have raised his challenge is under the Debt Collection Act process. The EEOC regulations do not convey the Commission with jurisdiction to decide matters covered by the Debt Collection Act. Baughman v. Dep't of the Army, EEOC Appeal No. 01900865 (Feb. 26, 1990); Amato v. Dep't of the Army, EEOC Request No. 0520070240 (July 18, 2007); Emelda F. v. U.S. Postal Serv., EEOC Appeal No. 2019001020 (Apr. 5, 2019).

### CONCLUSION

The Agency's final decision dismissing Complainant's complaint is AFFIRMED.

### 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).

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:

  
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Carlton M. Hadden, Director  
Office of Federal Operations

December 19, 2024  
Date