



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

[REDACTED]
Linda P,¹
Complainant,

v.

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

Request No. 2024004960

Appeal No. 2022003986

Agency No. 4K-290-0005-21

DECISION ON REQUEST FOR RECONSIDERATION

Complainant requested that the Equal Employment Opportunity Commission (EEOC or Commission) reconsider its decision in EEOC Appeal No. 2022003986 (January 24, 2024).

ISSUES PRESENTED

The issue presented is whether Complainant's request for reconsideration of EEOC Appeal No. 2022003986 meets the criteria for reconsideration 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.

BACKGROUND

At the time of events giving rise to this complaint, Complainant worked as a Postmaster, EAS-22, at the Agency's Sumter Post Office in Sumter South Carolina. Complainant alleged that her supervisor, Acting Manager Post Office Operations, placed Complainant on emergency placement on August 28, 2020, for two weeks without pay accusing her of mail delays and falsifying scans. After an investigative interview, Complainant stated there was no disciplinary action taken.

On December 3, 2020, Complainant filed an EEO complaint alleging that the Agency discriminated against her on the basis of age (57) when, on August 28, 2020, she was placed on Emergency Placement and subsequently on September 11, 2020, she was subjected to an investigative interview.

At the conclusion of the investigation, the Agency provided Complainant with a copy of the report of investigation and notice of her right to request a hearing before an Equal Employment Opportunity Commission Administrative Judge (AJ). Complainant requested a hearing, but the AJ dismissed the request and remanded the complaint to the Agency. The Agency issued a final decision pursuant to 29 C.F.R. § 1614.110(b). In the decision, the Agency concluded that Complainant failed to prove that she was subjected to discrimination as alleged. Complainant appealed the Agency's final decision. On January 24, 2024, the Commission issued a decision affirming the Agency's final decision finding no discrimination.

On September 5, 2024, Complainant filed this request for reconsideration.

CONTENTIONS ON REQUEST

In her request for reconsideration, Complainant argues that her supervisor's actions in disciplining her were not warranted. Complainant also argues that her supervisor lied in her affidavit.

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 reviewing the previous decision and the entire record, we find that Complainant's request for reconsideration was untimely. By regulation, requests for reconsideration must be filed within thirty calendar days of receipt of the Commission's appellate decision. 29 C.F.R. § 1614.405(c). The Commission's previous decision included a Certificate of Mailing indicating that, for purposes of timeliness, the Commission will presume that the decision was received within five calendar days of the date on which it was mailed, January 24, 2024. Complainant is presumed to have received the previous decision no later than January 29, 2024. Thirty days from that date was February 28, 2024. Complainant filed her request for reconsideration on September 5, 2024, which was well beyond the 30-day limit. Complainant offers no justification for her late filing in her one page brief supporting her request for reconsideration.

Accordingly, the Commission finds that the request fails to meet the criteria of 29 C.F.R. § 1614.405(c) due to untimeliness, and it is the decision of the Commission to deny the request. The decision in EEOC Appeal No. 2022003986 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

December 11, 2024
Date