



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

[REDACTED]
Renee P.,¹
Complainant,

v.

Merrick B. Garland,
Attorney General,
Department of Justice,
Agency.

Request No. 2024005125

Appeal No. 2024001744

Agency No. OBD-2015-00023

DECISION ON REQUEST FOR RECONSIDERATION

Complainant requested that the Equal Employment Opportunity Commission (EEOC or Commission) reconsider its decision in Renee P. v. Department of Justice, EEOC Appeal No. 2024001744 (June 12, 2024).

ISSUE PRESENTED

Whether Complainant's request for reconsideration of EEOC Appeal No. 2024001744 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.

BACKGROUND

On December 14, 2017, the Equal Employment Opportunity Commission (EEOC) Administrative Judge assigned to Complainant's underlying case dismissed the case when a settlement agreement was reached by the parties.

On January 10, 2024, Complainant filed an appeal of that case that was designated under EEOC Appeal No. 2024001744. On January 28, 2024, Complainant filed a document with the Commission captioned: "NOTICE OF WITHDRAWAL OF APPEAL 2024001744 TO ENSURE COMPLIANCE WITH 29 C.F.R. § 1614.504(a) BY FIRST CONTACTING THE AGENCY." On January 29, 2024, Complainant contacted the Agency seeking to invalidate the settlement agreement for fraudulent inducement and lack of consideration.

On March 4, 2024, the Agency issued a final decision finding that Complainant's breach allegation was untimely raised, and that the breach allegation was barred by the doctrine of laches. The Agency further held that consideration was sufficient, and that Complainant was not improperly coerced into signing the agreement.

In our prior decision, we found that Complainant's appeal as filed on January 10, 2024, was premature in that it preceded the Agency's final decision on Complainant's request to invalidate her settlement agreement. We also found that Complainant withdrew the appeal on January 28, 2024. The instant request for reconsideration followed.

CONTENTIONS ON REQUEST

While Complainant submits two documents, neither document addresses the relevant findings from the prior decision that Complainant withdrew the appeal and that the appeal was premature. The Agency submits no statement or brief regarding the request for reconsideration.

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 submissions by Complainant in support of the instant request for reconsideration. We determine that there is no reason to disturb the Commission's prior decision. 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. 2024001744 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 14, 2024
Date