



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

[REDACTED]
Joana C.,¹
Complainant,

v.

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

Request No. 2024005166

Appeal No. 2024002589

Agency No. 4G-700-0072-24

DECISION ON REQUEST FOR RECONSIDERATION

Complainant timely requested that the Equal Employment Opportunity Commission (EEOC or Commission) reconsider its decision in Joana C. v. U.S. Postal Service, EEOC Appeal No. 2024002589 (Aug. 28, 2024).

ISSUE PRESENTED

Whether Complainant's request for reconsideration of EEOC Appeal No. 2024002589 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

At the time of events giving rise to this complaint, Complainant worked as a Mail Processing Clerk, 06-P, at the Agency's New Orleans Main Window Service in New Orleans, Louisiana. We note that Complainant has not worked since July 23, 2022.

On February 17, 2024, Complainant filed a formal EEO complaint alleging that the Agency subjected her to discrimination on the bases of race (African-American), sex (female), color (Black), and age (YOB: 1969) when, on November 22, 2023 management would not allow Complainant into the supervisor's office to discuss her leave status and health insurance unless she was escorted by Postal Police.

The Agency dismissed the claim pursuant to 29 C.F.R. § 1614.107(a)(1) for failure to state a claim finding that Complainant had not alleged she was aggrieved within the meaning of our regulations.

In the appellate decision, the Commission affirmed the Agency's final decision dismissing the formal complaint for failure to state a claim. We noted Complainant's arguments on appeal and found that, even if Complainant had properly raised a claim of harassment, Complainant failed to state a claim because she had not raised allegations that would be sufficiently severe or pervasive to state a cognizable claim of hostile work environment.

The instant request for reconsideration followed.

CONTENTIONS ON REQUEST

In her request for reconsideration, Complainant again submits documents and refers to "material fact, policies, practices, operations." Complainant complains that the Postal Police were called on her more than once. Complainant raises questions about a variety of management actions. Accordingly, Complainant requests that the Commission grant the request.

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 various arguments raised by Complainant in the instant request for reconsideration. However, we can find no basis to disturb the Commission's prior decision. Complainant presents numerous arguments which were previously raised and considered or could have been raised during the original appeal.

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.

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. 2024002589 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 4, 2024

Date