



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

████████████████████
Mathew R.,¹
Complainant,

v.

Marco Rubio,
Secretary,
Department of State,
Agency.

Request No. 2025000160

Appeal No. 2024002530

Agency No. DOS-0022-24

DISMISSAL OF REQUEST FOR RECONSIDERATION

Complainant requested that the Equal Employment Opportunity Commission (EEOC or Commission) reconsider its decision in Mathew R. v. Department of State, EEOC Appeal No. 2024002530 (Aug. 29, 2024). On November 29, 2023, Complainant filed an equal employment opportunity (EEO) complaint alleging that the Agency discriminated against him based on disability and in reprisal for prior protected EEO activity regarding events leading up to his resignation and the subsequent denial of his disability retirement application. The Agency issued a final order dismissing the complaint. Complainant appealed, and the Commission's prior decision affirmed the Agency's final order.

EEOC Regulation 29 C.F.R. § 1614.405(c) provides that a request for reconsideration to the Commission must be filed within 30 days after a party receives the appellate decision. The appellate decision specifically included a

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.

Certificate of Mailing indicating that, for timeliness purposes, the Commission would presume that the decision was received within five calendar days after it was provided to Complainant via U.S. Mail on August 29, 2024. Complainant filed the instant request on October 4, 2024, which was one day beyond the 30-day time limit, including the five-day presumption of receipt of the Commission decision. In his request, Complainant does not provide any justification for extending the filing period.

Accordingly, the request is DISMISSED as untimely pursuant to § 1614.405(c). The decision in EEOC Appeal No. 2024002530 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

February 5, 2025

Date