



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Office of Federal Operations

P.O. Box 77960

Washington, DC 20013

[REDACTED]
Darius C.,¹
Petitioner,

v.

Amanda Bennett,
Chief Executive Officer,
U.S. Agency for Global Media,
Agency.

Petition No. 2025000177

MSPB No. DC-0752-20-0130-I-1

DISMISSAL OF PETITION

Petitioner filed a petition with the Equal Employment Opportunity Commission (EEOC or Commission) seeking review of a Final Order issued by the Merit Systems Protection Board (MSPB or Board) concerning his appeal MSPB No. DC-0752-20-0130-I-1.

At the time of events giving rise to this petition, Petitioner worked as a Supervisory Broadcast Technician, GS-1001-14, at the Agency's International Broadcasting Bureau in Washington, DC. After the Agency proposed Petitioner's removal, Petitioner retired from the Agency effective July 20, 2018. Petitioner then filed an appeal with the MSPB asserting that his retirement was involuntary and thus a constructive discharge.

The MSPB Administrative Judge (AJ) issued an Initial Decision dismissing Petitioner's appeal for lack of Board jurisdiction, finding that Petitioner failed to raise nonfrivolous allegations of fact that, if proven, would show that his retirement was involuntary. Petitioner then sought review by the full Board of the Initial Decision.

¹ This case has been randomly assigned a pseudonym which will replace Petitioner's name when the decision is published to non-parties and the Commission's website.

The Board issued its Final Order on March 6, 2024, affirming the MSPB AJ's dismissal for lack of jurisdiction. Petitioner then filed the instant petition through the EEOC's Public Portal on October 11, 2024. In several of the submissions Petitioner filed with his petition, Petitioner admits to receiving the MSPB's Final Order on March 6, 2024.

EEOC Regulation 29 C.F.R. § 1614.303(c) provides, in pertinent part, that a petition must be filed with the Commission within 30 days of receipt of the final decision of the MSPB. The record indicates that Petitioner received the MSPB's Final Order on March 6, 2024. He filed the petition on October 11, 2024, which was beyond the 30-day time limit.

The record reveals that the MSPB explicitly informed Petitioner of the time limits on his right to file a petition with the EEOC on his discrimination claims. Petitioner does not submit any justification to invoke waiver or equitable tolling of the time limit for filing the petition.

Accordingly, the petition is DISMISSED as untimely.

PETITIONER'S RIGHT TO FILE A CIVIL ACTION (W0124)


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, based on the decision of the Merit Systems Protection Board, **within thirty (30) calendar days** of 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 19, 2024
Date