



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

[REDACTED]  
Esmeralda L,<sup>1</sup>  
Complainant,

v.

Scott Bessent,  
Secretary,  
Department of the Treasury  
(Internal Revenue Service),  
Agency.

Request No. 2025000190

Appeal No. 2022004950

Hearing No. 490-2019-00219X

Agency No. IRS-19-0075-F

**DECISION ON REQUEST FOR RECONSIDERATION**

Complainant timely requested that the Equal Employment Opportunity Commission (EEOC or Commission) reconsider its decision in Esmeralda L., Dep.'t of the Treasury, EEOC Appeal No. 2022004950 (Sept. 10, 2024).

**ISSUE PRESENTED**

Whether Complainant's request for reconsideration of EEOC Appeal No. 2022004950 meets the criteria detailed in 29 C.F.R. § 1614.405(c).

**BACKGROUND**

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<sup>1</sup> 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.

During the relevant time, Complainant worked as a Customer Service Representative at the Agency's IRS Memphis Service Center.

On January 28, 2019, Complainant filed a formal complaint, as amended, claiming that she was subjected to discrimination based on disability and in reprisal for prior protected activity when:

- A. Beginning in March 2018, and continuing until at least January 2019, the Agency failed to provide reasonable accommodations;
- B. On August 30, 2018, Complainant's Supervisor (S1) charged her with being Absent Without Leave (AWOL) for several days;
- C. On or about April 16, 2019, Management issued a Memorandum informing Complainant that a provisional grant of leave under the Family and Medical Leave Act (FMLA) expired and warned her that she would be charged with being AWOL unless she supplied medical documentation; and,
- D. On April 16, 2019, and on other unspecified dates, her supervisor objected to her working on EEO matters while teleworking.

Following an investigation by the Agency into the claims, Complainant requested a hearing before an EEOC Administrative Judge (AJ). However, on motion of the Agency, the AJ issued a summary judgment decision concluding Complainant failed to prove discrimination or unlawful retaliation as alleged. Thereafter, the Agency issued a final order implementing the AJ's decision. Complainant appealed.

In Appeal No. 2022004950, the Commission dismissed Complainant's appeal as untimely filed pursuant to 29 C.F.R. § 1614.403(c). The instant request for reconsideration from Complainant followed.

#### CONTENTIONS ON REQUEST

Complainant offers little in the instant request other than submitting arguments regarding the AJ's decision and the merits of her complaint.

The Agency's responded to Complainant's request for reconsideration, requesting the Commission deny Complainant's request because Complainant

has not proffered evidence or made the requisite showing to meet the criteria for a 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. However, we determine that there is no reason to disturb the Commission's prior decision. As already noted, Complainant raises no argument to support her request for reconsideration. 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. 2022004950 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:



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Carlton M. Hadden, Director  
Office of Federal Operations

March 5, 2025

Date