



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

[REDACTED]
Clotilde D.,¹
Complainant,

v.

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

Request No. 2025000267

Appeal No. 2024002454

Hearing No. 530-2024-00102X

Agency No. 4B-190-0202-23

DECISION ON REQUEST FOR RECONSIDERATION

Complainant timely requested that the Equal Employment Opportunity Commission (EEOC or Commission) reconsider its decision in EEOC Appeal No. 2024002454 (October 16, 2024).

ISSUE PRESENTED

Whether Complainant's request for reconsideration of EEOC Appeal No. 2024002454 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

During the relevant time, Complainant worked for the Agency as a Rural Carrier Associate at the Agency's Middletown Post Office in Middletown, Delaware.

On August 21, 2023, Complainant filed an equal employment opportunity (EEO) complaint alleging discrimination and a hostile work environment based on race (American Indian/Alaskan), color (white), sex (female), religion (to be specified), national origin (to be specified), and age (43), and in reprisal for prior EEO activity, since May 12, 2023. Complainant's claims included coworkers making fun of Complainant and criticizing her work; a suspension; and being sent home or not scheduled for work. The Agency issued a final decision finding no discrimination as alleged. Complainant appealed.

In Appeal No. 2024002454, the Commission dismissed Complainant's appeal. The appellate decision noted that Complainant filed a civil action (Case No. 1:23-cv-01206-UNA) in the United States District Court for the District of Delaware on October 23, 2023, in which she alleged the same claims contained in this complaint.

The instant request for reconsideration from Complainant followed.

CONTENTIONS ON REQUEST

In her request,² Complainant argues that the appellate decision contained a clearly erroneous interpretation of material fact or law, and that the Commission has jurisdiction over her appeal because her case is one of employment discrimination that violates federal law. Complainant further complains that her claims were not fully investigated, and that she has evidence of discrimination.

² Complainant uploaded multiple documents after her initial request. However, any supporting statement or brief must be filed together with the request for reconsideration. Equal Employment Opportunity Management Directive for 29 C.F.R. Part 1614, at Chap. 9 § VII.B (Aug. 5, 2015). As such, we will not consider any additional untimely statements submitted by Complainant. To the extent that Complainant raises new allegations, she is advised to contact an EEO Counselor to initiate the administrative process.

The Agency opposes Complainant's request and asserts that there was no erroneous interpretation of law or fact. The Agency notes that Complainant filed multiple civil actions regarding the same fact patterns and issues involving the Agency, and Complainant does not deny this.

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 submission 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. While Complainant contends that the EEOC has jurisdiction over her complaint, the filing of a civil action under §1614.407 or §1614.408 terminates the Commission's processing of the appeal. 29 C.F.R. §1614.409.

As noted by the Agency, Complainant offers no dispute that she filed multiple civil actions containing the same issues. Further, a review of Case No. 1:23-cv-01206-UNA reveals that the case is still open, and that it contains identical claims. For example, Complainant included in her civil action allegations of discrimination for her suspension and when she was sent home, and for harassment such as when coworkers called her derogatory names.

A request for reconsideration is not a second appeal to the Commission. Equal Employment Opportunity Management Directive for 29 C.F.R. Part 1614, 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. 2024002454 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 3, 2025
Date