



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

[REDACTED]
Eugenia C.,¹
Petitioner,

v.

Isabel Casillas Guzman,
Administrator,
Small Business Administration,
Agency.

Petition No. 2025000324

MSPB No. PH-0752-17-009-I-1

DECISION

Petitioner filed a petition with the Equal Employment Opportunity Commission (EEOC or Commission) seeking enforcement of a Final Order issued by the Merit Systems Protection Board (MSPB or Board) concerning her claim of discrimination in violation of Section 501 of the Rehabilitation Act of 1973 (Rehabilitation Act), as amended, 29 U.S.C. § 791 et seq. For the reasons that follow, we DENY consideration of the petition.

ISSUE PRESENTED

Whether the Commission has jurisdiction to review Petitioner's petition.

BACKGROUND

At the time of events giving rise to this petition, Petitioner worked as a Business Opportunity Specialist, GS-1101-12, at the Agency's Baltimore District Office in Baltimore, Maryland. The Agency removed Petitioner from her position, effective November 2, 2016.

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.

Petitioner filed a mixed case appeal with the MSPB, alleging that the Agency discriminated against her based on disability (among other bases) when it terminated her employment.

An MSPB Administrative Judge (AJ) held a hearing and issued an Initial Decision affirming the removal and finding that Petitioner failed to establish her affirmative defenses of discrimination. Petitioner sought review by the full Board. On July 10, 2024, the Board issued a Final Order granting Petitioner's petition for review and reversing the MSPB AJ's Initial Decision. The Board found that Petitioner proved her affirmative defense of disability discrimination and ordered the Agency to reverse Petitioner's removal and pay her back pay with interest. The MSPB's Final Order notified Petitioner of her right to request compensatory damages, and attorney's fees and costs within 60 days of the Final Order.

It appears that Petitioner submitted a Petition for Enforcement and motion for attorney's fees with the MSPB on September 6, 2024, and a motion for compensatory damages on September 13, 2024. The record also contains an Order on Timeliness issued by the MSPB AJ seeking responses from the parties regarding whether Petitioner's motion for compensatory damages was untimely filed. Petitioner filed the instant petition on October 22, 2024.

CONTENTIONS IN PETITION

Petitioner's submissions indicate that she is requesting that we issue an order directing the Agency to comply with the MSPB's July 10, 2024 Final Order. She notes that she is not challenging the decision of the MSPB. She also asks that the Agency expedite her back pay award and pay her \$10 million in compensatory damages and \$25 million in punitive damages.

The Agency did not file a brief in opposition to the petition.

ANALYSIS

EEOC regulations provide that the Commission has jurisdiction over mixed case appeals and complaints on which the MSPB has issued a decision that makes determinations on allegations of discrimination. 29 C.F.R. § 1614.303 et seq. Here, however, Petitioner does not seek review of her discrimination claims. Rather, she is requesting enforcement of the Board's Final Order. The Commission does not enforce remedial orders of the MSPB.

See Metivier v. Dep't of the Army, EEOC Petition No. 03860116 (Oct. 24, 1986). Because Petitioner's petition does not address any matters within our jurisdiction, we have no jurisdiction to review the instant petition.

CONCLUSION

Consequently, we DENY consideration of the petition for review.

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

December 11, 2024

Date