



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

[REDACTED]
Jaunita W.,¹
Complainant,

v.

Walter Cruickshank,
Acting Secretary,
Department of the Interior,
Agency.

Request No. 2025000556

Appeal No. 2022004996

Agency No. DOI-BLM-21-0352

DECISION ON REQUEST FOR RECONSIDERATION

Complainant timely requested that the Equal Employment Opportunity Commission (EEOC or Commission) reconsider its decision in Appeal No. 2022004996.

ISSUE PRESENTED

Whether Complainant's request for reconsideration of EEOC Appeal No. 2022004996 meets the criteria detailed in 29 C.F.R. § 1614.405(c).

BACKGROUND

During the relevant time, Complainant worked for the Agency as a Planning and Environmental Coordinator in Anchorage, Alaska.

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.

On September 29, 2021, Complainant filed a formal complaint (subsequently amended), based on sex, age, and in reprisal for prior protected activity.

Complainant claimed that she was denied the opportunity to compete for a detail; the Agency delayed in processing a name change and did not provide recognition for her federal service milestones; the Agency intentionally copied Complainant on emails which Complainant found disrespectful; her name was not added to an organizational chart; the Agency delayed processing of a performance award; she was notified that she had not completed ethics training; she was interrupted while speaking at a meeting; and she was found ineligible for a GS-12 position.

Following an investigation, Complainant requested that the Agency issued a final decision. In accordance with the request, the Agency issued a final decision.

In Appeal No. 2022004996, the Commission affirmed the Agency's final decision finding no discrimination. The instant request for reconsideration from Complainant followed.

CONTENTIONS ON REQUEST

Complainant in essence reiterates the matters raised before the Commission from the Agency's final decision

In response, the Agency argues that Complainant's reiterations fail to demonstrate that the final decision involved erroneous interpretations or material fact or law, of that the final decision will have a substantial impact upon the policies, practices, or operations of the Agency.

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 there is no reason to disturb the Commission's prior decision. As noted above, Complainant's arguments in the instant request are reiterations of matters which were raised, or could have been raised below, as properly asserted by the Agency. 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 § VII.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. 2022004996 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