



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

[REDACTED]  
Stefan C.,<sup>1</sup>  
Complainant,

v.

Terence Emmert,  
Acting Secretary,  
Department of the Navy,  
Agency.

Request No. 2025000762

Appeal No. 2024003499

Agency No. 24-67025-00538

**DECISION ON REQUEST FOR RECONSIDERATION**

Complainant requested that the Equal Employment Opportunity Commission (EEOC or Commission) reconsider its decision in Stefan C. v. Department of the Navy, EEOC Appeal No. 2024003499 (Oct. 23, 2024). For the following reasons, the Commission DENIES Complainant's request.

**ISSUE PRESENTED**

Whether Complainant's request for reconsideration of EEOC Appeal No. 2024003499 meets the criteria detailed in 29 C.F.R. § 1614.405(c).

**BACKGROUND**

During the relevant period, Complainant worked as a contractor for Reed Charters LLC at the Agency's Marine Corps Installations Pacific Command

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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.

facility in Camp Smith, Hawaii. Complainant's contract work was as a Senior Mission Assurance Analyst under the Agency's Defense Policy Review Initiative Infrastructure and Enterprise Planning Services contract (DPRI contract).

On April 5, 2024, Complainant filed an equal employment opportunity (EEO) complaint alleging that the Agency subjected him to discrimination and a hostile work environment based on race (Caucasian), color (white), age (80), and in reprisal for prior protected EEO activity when:

1. On June 28, 2023, to September 15, 2023, Complainant's coworker (CW), an employee of Reed Charters LLC, verbally and graphically harassed Complainant, who subsequently filed a complaint to the President/CEO of Reed Charters LLC (Reed Charters President), and an investigation into the allegation of graphic and verbal harassment was conducted by Reed Charters LLC to remedy the allegations, in which Complainant then claimed the internal investigation was cursory;
2. On October 10, 2023, through December 3, 2023, Complainant inquired with a Marine Corps Base Kaneohe Hawaii EEO advisor requesting advice on hostile work environment and was referred to contact an Agency Headquarters EEO specialist and was then referred to a local EEO specialist in the Marine Corps Installations Pacific Command EEO office;
3. On December 13, 2023, through December 27, 2023, Complainant was contacted by two officials from Reed Charter LLC's contracting human resources/EEO company, Insperity, with no further investigative results nor contact;
4. On December 26, 2023, Complainant received phone notification from Reed Charters President that his service with Reed Charters LLC would be terminated by Reduction in Force on December 29, 2023. Complainant received email notification the following day; and
5. On February 2, 2024, Complainant concluded that the events that led to his termination were based on retribution as a whistleblower for calling attention to Reed Charters LLC's inadequacies and possible fraud.

The Agency issued a final order dismissing the entire complaint pursuant to 29 C.F.R. § 1614.107(a)(1) for failure to state a claim and dismissing claim 2 on alternate grounds pursuant to 29 C.F.R. § 1614.107(a)(8) for alleging dissatisfaction with the processing of a prior EEO matter.

The Agency reasoned that, based on various factors, Complainant was a contract employee of Reed Charters LLC and not an employee of the Agency. Complainant appealed the Agency's final order to the Commission.

In the prior appellate decision, the Commission affirmed the Agency's final order dismissing the complaint. The Commission found that the Agency was not a joint employer of Complainant. Weighing the relevant factors, the Commission found that Reed Charters LLC furnished Complainant's equipment, provided his compensation and benefits, and decided Complainant's leave requests. The Commission also found that the Agency did not request Complainant's termination or express dissatisfaction with his performance or conduct. Rather, the Commission determined that the Agency had decided to modify the scope of the DPRI contract to reduce Reed Charters LLC's work, but that it was Reed Charters LLC that made the ultimate decision to terminate Complainant's employment. The prior decision also noted that Complainant's narratives primarily implicated a Reed Charters LLC employee and other Reed Charters LLC management officials. The Commission concluded that the Agency did not exercise sufficient control over the circumstances surrounding the alleged harassment or Complainant's termination to be deemed Complainant's joint employer.

The instant request for reconsideration by Complainant followed.

#### CONTENTIONS ON RECONSIDERATION

On reconsideration, Complainant submits a copy of the same brief he submitted on appeal. Complainant argues that he discussed his harassment allegations with Agency officials and that his termination was the result of retaliation. He argues that he should be considered an Agency employee because the Agency gave him direction and work requests, which were not promulgated by Reed Charters LLC. He claims that Agency staff provided his primary workflow, and that Reed Charters LLC gave him only minimal supervision.

#### 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. Complainant reiterates the arguments he previously made, and which were fully considered, on appeal and provides no evidence to warrant granting his request. The Commission emphasizes that 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.

### CONCLUSION

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. 2024003499 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