



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

[REDACTED]
Iris D.,¹
Complainant,

v.

Matthew E. Ammon,
Acting Secretary,
Department of Housing and Urban Development,
Agency.

Request No. 2021001273

Appeal No. 2020004732

Agency No. HUD-00005-2020

DECISION ON REQUEST FOR RECONSIDERATION

Complainant requested that the Equal Employment Opportunity Commission (EEOC or Commission) reconsider its decision in Iris D. v. Dep't of Housing & Urban Dev., EEOC Appeal No. 2020004732 (Oct. 7, 2020).² 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).

Complainant worked as a Contract Administrator Oversight Monitor, GS-1101-13, at the Agency's facility in Washington, D.C. On February 5, 2020, Complainant filed a formal complaint alleging that the Agency subjected her to discrimination based on sex (female) when

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.

² Complainant explained that she received the appellate decision on November 25, 2020, via the United States Postal Service, due to a mail delivery delay. Complainant stated she then filed the instant request within 30 days of her receipt of the decision. Based on the circumstances present, the Commission accepts Complainant's request as timely filed.

she became aware, in December 2018, that an employee was hired as an out-stationed employee after she was denied the opportunity to be out-stationed in October 2018.

The Agency dismissed the complaint, pursuant to 29 C.F.R. § 1614.107(a)(2), for untimely EEO Counselor contact. Complainant appealed, and, in Iris D., v. Dep't of Housing & Urban Dev., EEOC Appeal 2020004732 (Oct. 7, 2020), the Commission affirmed the Agency's final decision finding Complainant had not presented persuasive arguments or evidence warranting an extension of the time limit for initiating EEO Counselor contact.

In her request for reconsideration, Complainant expresses disagreement with the Commission's previous decision and reiterates arguments previously raised on appeal. 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), at 9-18 (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. 2020004732 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 (P0610)

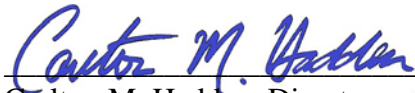
This decision of the Commission is final, and there is no further right of administrative appeal from the Commission's decision. You have the right to file a civil action in an appropriate United States District Court **within ninety (90) calendar days** from the date that you receive this decision. 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 his or her 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

March 10, 2021

Date