



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

[REDACTED]
Nathan S.,¹
Complainant,

v.

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

Request No. 2022003631

Appeal No. 2022001051

Agency No. 4J-604-0196-21

DECISION ON REQUEST FOR RECONSIDERATION

Complainant timely requested that the Equal Employment Opportunity Commission (EEOC or Commission) reconsider its decision in EEOC Appeal No. 2022001051 (May 2, 2022). 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).

At the time of events giving rise to this complaint, Complainant was a former Agency employee, having worked as a Distribution Window Clerk, PS-5, at the Agency's Rontoul Post Office in Rontoul, Illinois. On October 12, 2021, Complainant filed a formal EEO complaint alleging discrimination by the Agency on the bases of sex (male) race (Black/African-American),

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. We note that in his request for reconsideration, he indicated that he did not want to participate in the Commission's pseudonym program. However, for the sake of ease of understanding, we are keeping the same name as was used in our prior decision.

disability (regarded as disabled, brain tumor) and reprisal for prior protected EEO activity² when, on or about September 28, 2021, the current Rantoul, IL, Postmaster refuses to address Complainant's status on the eligibility roster, even though he was placed on the reemployment eligibility roster years ago following his recovery from psychosis.³

The Agency dismissed the formal complaint, in relevant part, pursuant to 29 C.F.R. § 1614.107(a)(1), for alleging the same claim in a prior complaint. Complainant appealed the Agency's final decision. In EEOC Appeal No. 2022001051, we affirmed the Agency's final decision dismissing the matter pursuant to 29 C.F.R. § 1614.107(a)(1).⁴

In the instant request for reconsideration, Complainant provides a copy of the settlement agreement signed in 1989 concerning his prior EEO complaint. Upon review, we find that nothing that Complainant has submitted supports a determination that the prior decision affirming the Agency's final order was in error. 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 § 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. 2022001051 remains the Commission's decision. There is no further right of administrative appeal on the decision of the Commission on this request.

² Complainant identifies Agency Case No. 4L00298 as his prior EEO activity, which concerns a settlement agreement he entered into with the Agency on February 17, 1989, but was the subject of two of his more recent actions before the Commission. See EEOC Appeal No. 0120121085 (July 17, 2013), req. for recon. denied, EEOC Request No. 0520130628 (Jan. 16, 2014) (finding no breach of the settlement agreement); and EEOC Appeal No. 0120160839 (May 24, 2016), req. for recon. denied, EEOC Request No. 0520160330 (July 26, 2016) (dismissing the claim that settlement agreement was fraudulent because Complainant was not issued an ID Badge as untimely and previously raised with the Commission and in civil court).

³ Reframed based on Complainant's formal EEO complaint, as Agency's wording ("You were terminated on March 24, 1994, and subsequently, you have not been permitted to return to work.") did not reflect Complainant's allegation or the change in circumstances in 1999.

⁴ We note that our prior decision also found that the dismissal of the matter pursuant to 29 C.F.R. § 1614.107(a)(9) was not appropriate.

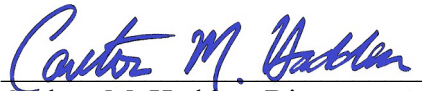
COMPLAINANT'S RIGHT TO FILE A CIVIL ACTION (P0610)

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

October 24, 2022

Date