



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
New York District Office

33 Whitehall Street, 5<sup>th</sup> Floor  
New York, NY 10004-2112  
Website: [www.eeoc-nrpphase2.com](http://www.eeoc-nrpphase2.com)

<b>SANDRA M. McCONNELL, et al.</b>	:	<b>EEOC Nos.: 520-2010-00280X</b>
<b>a/k/a/ VELVA B.</b>	:	<b>520-2019-00271X</b>
	:	
<b>Class Agent,</b>	:	<b>Agency No.: 4B-140-0062-06</b>
	:	
<b>v.</b>	:	
	:	<b>Administrative Judge:</b>
<b>LOUIS DEJOY,</b>	:	<b>Monique J. Roberts-Draper</b>
<b>Postmaster General,</b>	:	
<b>United States Postal Service,</b>	:	<b>Date: June 1, 2023</b>
	:	
<b>Agency.</b>	:	

**NOTICE OF INTENT TO DISMISS UNTIMELY CLAIMS OF RELIEF**

The Office of Federal Operations (OFO) issued a decision finding discrimination on behalf of the class on September 25, 2017, requiring the Agency to notify class members to file claims of relief within 30 days of receipt. Pursuant to 29 C.F.R. §1614.204(1)(3), when discrimination is found in the final order and a class member believes he or she is entitled to individual relief, the class member must file a written claim with the head of the agency or its EEO Director within 30 days of receipt of the notification by the agency of its final order. The claim must include a specific detailed showing that the claimant is a class member who was affected by the discriminatory policy or practice, and that this discriminatory action took place within the period for which class-wide discrimination was found in the final order.

After a review of the submissions, the Administrative Judge has determined that the noted claims for relief appears to be untimely and therefore appropriate for dismissal under 29 C.F.R. §1614.204(1)(3). Specifically, the Agency mailed notices to the individuals on June 27, 2018, *see* Excel Spreadsheet entitled, *June 2018 Notifications*, attachment A. The Agency further supports its contention by providing a Certificate of Service, dated April 25, 2018, which avers that the “*Notice to Employees Pursuant to Order of the Equal Employment Opportunity Commission*” was mailed to 130,874 individuals previously identified as class members in this litigation. *See* attached Certificate of Service, attachment B.

In further compliance with OFO’s decision, the Postal posted the “*Notice to Employees Pursuant to Order of the Equal Employment Opportunity Commission*” at its facilities and on its website. *See* attached Declarations of Manager Human Resources, attachment C. The Agency also provided the Commission with its Report of Compliance on October 31, 2019. *See* Compliance Report, attachment D. With these measures the Postal Service argues that it has met its burden of notification to these individuals; therefore, their claims of relief re untimely and should be dismissed.

**THEREFORE**, unless Claimants/Class Counsel can establish that their claims were timely or demonstrate good cause as to why the claim is untimely, such claim for relief will be dismissed. Both parties may submit a response to this Notice of Intent within thirty (30) days from receipt. A copy of the response must be sent to the other party.

Responsive documents<sup>1</sup> should be organized into electronic files under claimant number and name and shared electronically *via* SharePoint or DropBox to the undersigned judge and Assistant GC for Technology, Maria Salacuse at [maria.salacuse@eoc.gov](mailto:maria.salacuse@eoc.gov). Please use the attached Excel spreadsheet entitled *Supporting Documents\_Untimely* to briefly identify and describe the documents produced. Parties **must** list the name of the document, date, whether such document was previously produced to the Commission (*i.e.*, as an exhibit to a motion, discovery document, etc.) and when and what the document proports to establish.

**Documents received after the deadline will not be considered.**

It is SO ORDERED.



Monique J. Roberts-Draper  
Administrative Judge

Attachments:

- a. Excel spreadsheet entitled *June 2018 Notifications*.
- b. Certificate of Service from Jose A. Perez, Postmaster.
- c. Declarations from Human Resource Managers.
- d. Report of Compliance dated October 31, 2019.
- e. Excel spreadsheet entitled *Supporting Documents\_Untimely*

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<sup>1</sup> The parties should make every effort **not to submit** copies of documents believed to already be in the record. Such documents should be recorded on the attendant spreadsheet as per the above instructions.

## **CERTIFICATE OF SERVICE**

For timeliness purposes, it will be presumed that this ORDER was received immediately upon electronic transmission. I certify this ORDER was sent to the following parties on June 1, 2023.

### **Counsel via email only**

Michael J. Kator, Esq.  
Jeremy D. Wright, Esq.  
Kator, Parks, Weiser & Harris, PLLC  
1200 18<sup>th</sup> Street, N.W. Suite 1000  
Washington, DC 20036  
[mkator@katorparks.com](mailto:mkator@katorparks.com)  
[jwright@katorparks.com](mailto:jwright@katorparks.com)

David Weiser, Esq.  
Kator, Parks, Weiser & Harris, PLLC  
1609 Shoal Creek Blvd., Suite 201  
Austin, TX 78701  
[dweiser@katorparks.com](mailto:dweiser@katorparks.com)

Jessica Lukasiewicz, Esq.  
Thomas & Solomon, PLLC  
[Jlukasiewicz@theemploymentattorneys.com](mailto:Jlukasiewicz@theemploymentattorneys.com)

### **Agency Counsel via email only**

Sean Powers, Esq.  
Eve G. Burton, Esq.  
U.S. Postal Service Law Department  
Denver Program Office  
600 17<sup>th</sup> Street, Suite 1705-S  
Denver, Co 80202-5402  
[Eve.g.burton@usps.gov](mailto:Eve.g.burton@usps.gov)  
[Sean.m.powers@usps.gov](mailto:Sean.m.powers@usps.gov)

