



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

Donna F. Adams a/k/a
Luann L., et al.,¹
Complainant,

v.

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

Appeal Nos. 2024000051 et seq.²

ADMINISTRATIVE CLOSURE

Claimants, through Class Counsel, requested that the Equal Employment Opportunity Commission (EEOC or Commission) reconsider its decision regarding 281 claimants whose individual relief claims were dismissed from the class complaint known as Velva B., et al. v. U.S. Postal Serv., EEOC Nos. 520-2019-00271X and 520-2010-00280X (July 21, 2023) in violation of Section 501 of the Rehabilitation Act of 1973 (Rehabilitation Act), as amended, 29 U.S.C. § 791 et seq.

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 This closure applies to 281 appeals filed by the Class Counsel which were docketed and were identical in their arguments. This Administrative Closure applies to all 281 appeals as listed in the attached appendix.

Filed on August 23, 2007, the case of Velva B., et al. v. U.S. Postal Serv., involves a certified class of permanent rehabilitation or limited duty employees subjected to the Agency's National Reassessment Program (NRP). The issues in this case include the NRP's failure to provide reasonable accommodations, wrongful disclosure of medical information, creation of a hostile work environment, and adverse impact on class members.

The NRP, which was in place from May 6, 2006, to July 1, 2011, aimed to enhance operational efficiency by ensuring that injured-on-duty (IOD) employees performed necessary tasks for mail delivery instead of "make-work." The program had two phases. Phase 1 involved identifying IOD employees, reviewing their medical records, and creating detailed workbooks to track their medical conditions and job assignments. Phase 2 focused on updating these workbooks, identifying potential positions within local commuting areas, and conducting interactive interviews to offer modified positions or inform employees of "no work available" (NWA) status.

Results of the NRP were varied: 76,066 employees returned to full duty; 7,406 experienced no changes in their assignments; 9,985 received total or partial NWA determinations; and 33,959 retired, resigned, or separated during the NRP period.

The case has seen several significant developments. On May 30, 2008, the EEOC Administrative Judge (AJ) granted class certification and denied the Agency's motion to dismiss. Following this, the Agency requested a stay on notification, which was granted until July 2, 2010. Despite this extension, the Agency faced multiple appeals and motions, including attempts to redefine the class and address mixed cases. Subsequent appeals and motions, including those related to mixed cases and reconsideration requests, highlighted ongoing disputes about jurisdiction and procedural matters.

On February 17, 2015, the AJ issued an order granting in part the Agency's motion to subdivide the McConnell class, specifically creating a subclass for individuals who had never been assessed under the NRP. Following this, on March 9, 2015, the Class Counsel submitted a request to address approximately 3,300 Agency employees who had been mistakenly included as class members. These individuals were never assessed under the NRP and, therefore, did not meet the class definition. The request sought to remove claims related to Agency employees who had not been subjected to the NRP, consistent with previous de-subsuming orders.

On June 4, 2015, the AJ issued a preliminary order granting the Class Counsel's motion to de-subsume these approximately 3,300 individuals from the McConnell class, which was finalized on September 21, 2015. The order clarified that merely being listed on an NRP worksheet did not qualify them as class members if they had not been assessed under the NRP. The Agency was required to notify these individuals within 60 days that they were not part of the class, informing them that their EEO complaints would proceed individually and granting them 45 days to file new disability discrimination complaints if necessary.

The Agency appealed and, in Velva B., et al. v. U.S. Postal Serv., EEOC Appeal Nos. 0720160006 & 0720160007 (Sept. 25, 2017), the Commission ordered the AJ to reverse a prior order that required de-subsumed class members be notified they had 45 days to file a disability discrimination complaint for events occurring between May 5, 2006 and July 1, 2011. The Agency argued that the order was overly broad, allowing new claims from events unrelated to the NRP and which would otherwise be time-barred. The Class Counsel argued that the AJ's order should be upheld in its entirety. The Commission agreed with the Agency, stating that only those claimants with pre-existing, related complaints should proceed. The Commission ordered the Agency to issue the required notice, excluding authorization for new complaints by those without previously filed claims. The Commission denied the Agency's request for reconsideration in Velva B., et al. v. U.S. Postal Serv., EEOC Request Nos. 0520180094 & 0520180095 (Mar. 9, 2018).

In a May 4, 2023 filing to the AJ, Class Counsel asserted that because the Agency failed to notify individuals of their rights, their claims could not be deemed untimely when filing individual complaints. On June 16, 2023, the AJ issued A Notice of Intent to Deny Agency's Defense of Untimeliness and Include Additional Claims of Harm addressing the issue of notification. The AJ indicated that claimants who had not received notice from the Agency would be considered timely in their claims pending further proof from the Agency. This notice required both parties to submit their responses and supporting documents.

On July 17, 2023, the Agency responded to the Notice of Intent, reiterating that 283 of the individuals were not class members because they did not meet the prior AJ's definition of the class. On the same day, Class Counsel argued that the Agency's defense of untimeliness for the individuals at issue was invalid because they never received the required 2018 notice regarding their right to file claims for relief. In response, on July 21, 2023, the AJ issued an

order, in relevant part, dismissing the claims of the 283 individuals for failing to meet the class definition.

On September 29, 2023, Class Counsel filed an appeal for 281 of the 283 claimants, contending that the dismissal order was presumed adopted by the Agency, regarding the July 21, 2023 dismissal. On November 30, 2023, Class Counsel submitted a consolidated brief supporting the appeal entitled, "Examples of Claimant Evidence Regarding Inclusion in the Class Definition," along with a Claimants' Brief In Support Of Appeal Of Dismissal Of Class Action Relief Claims. In these briefs, Class Counsel argues that the AJ improperly executed the dismissal of the 281 claims because the AJ did not provide proper notice or opportunity to present evidence. Further, Class Counsel contends that the claims should either be reconsidered under the McConnell process or processed as individual EEO disability discrimination complaints.

These arguments are without merit, as it was the Class Counsel who requested the dismissal of these claimants from the Class Complaint. Both the AJ and the Agency agreed that this was proper, given the class definition. Since the dismissal was initiated at the behest of the Class Counsel, no additional notice was necessary.

We find that the decision in Velva B., et al. v. U.S. Postal Serv., EEOC Request Nos. 0520180094 & 0520180095 (Mar. 9, 2018) fully addressed and resolved the issues at the core of this case. That decision confirmed the finality of the September 15, 2017 decision, which clarified that only individuals with pre-existing claims related to the NRP could proceed with their complaints, and no new claims could be initiated by those who had not previously filed. It reaffirmed that the approximately 3,300 individuals who were not assessed under the NRP are not class members, and that their individual EEO complaints, if any, were properly de-subsumed from the class. The Commission finds that the 281 appeals docketed in this matter should not have been accepted, as the issues at hand were already definitively decided in Velva B., et al. v. U.S. Postal Serv., EEOC Request Nos. 0520180094 & 0520180095 (Mar. 9, 2018).

Given that no new or unresolved claims have been presented, Velva B., et al. v. U.S. Postal Serv., EEOC Request Nos. 0520180094 & 0520180095 (Mar. 9, 2018) is the law in this case, and there is no permitted basis for further administrative review.

Therefore, we conclude that this case is closed, and no further administrative appeals are available for this matter.

FOR THE COMMISSION:



Carlton M. Hadden, Director
Office of Federal Operations

December 20, 2024
Date

CERTIFICATE OF MAILING

For timeliness purposes, the Commission will presume that this decision was received within five (5) calendar days after it was made available to the parties. I certify that on the date below this decision was provided to the following recipients via the means identified for each recipient:

Donna F. Adams
c/o Jeremy D. Wright, Esq.

[Redacted]

Via U.S. Mail

Jeremy D. Wright, Esq.

[Redacted]

Via U.S. Mail

EEO Director
U.S. Postal Service
Via FedSEP

December 20, 2024

Date



Intake, Communication, and Enforcement Division

APPENDIX

APPEAL NO.	FIRST NAME	LAST NAME	M-NUMBER
2024000051	Donna	Adams	M-042772
2024000058	Thomas	Adams	M-027584
2024000059	Korteza	Griffin	M-021270
2024000060	David	Ainsworth	M-037717
2024000062	Stephanie	Griffith	M-045014
2024000064	Renita	Grimes	M-125367
2024000065	Celeste	Albert	M-104072
2024000066	Jacqueline	Guise	M-079732
2024000067	Karen	Anderson	M-015139
2024000068	Anthony	Gumabon	M-094827
2024000070	Cornelia	Owens	M-038063
2024000071	Melvina	Armstrong	M-099970
2024000074	Ellena	Guzman	M-011810
2024000075	Mario	Palomo	M-050150
2024000076	Kim	Arnold	M-081422
2024000077	Vera	Patrick	M-025356
2024000079	Lakenya	Perry	M-126591
2024000080	Tracie	Haggard Scott	M-085737
2024000081	Cynthia	Atencio	M-061448
2024000082	Donna	Petrosky	M-028477
2024000083	Teresa	Ballard	M-033340
2024000084	Doris	Hall	M-013450
2024000085	Angela	Banner	M-027305
2024000086	Kathleen	Hallum	M-053696
2024000087	Becky	Barker	M-060423
2024000088	William	Hardiman	M-110042
2024000089	Rose	Petty	M-082322
2024000090	Shirley	Pierce	M-015331
2024000091	Kathy	Porter	M-060831
2024000092	David	Barresi	M-061903
2024000093	Brian	Porter	M-134734
2024000094	Cathy	Pounds	M-017097
2024000095	Lisa	Basileo	M-018897
2024000096	Thomas	Praznowski	M-035414
2024000097	Verna	Randle	M-049083
2024000098	Cheryl	Bell	M-033706
2024000099	Beverly	Redding	M-130135
2024000100	Vanessa	Reed	M-020734
2024000101	Elizabeth	Blackson	M-016572

APPEAL NO.	FIRST NAME	LAST NAME	M-NUMBER
2024000102	Yvonne	Reynolds	M-062172
2024000103	Loretta	Blanchette	M-009628
2024000104	Peter	Blevins	M-005754
2024000105	Karen	Hardin	M-029767
2024000109	Shirley	Hardin	M-053079
2024000113	Peter	Bluhm	M-005701
2024000114	Joan	Harper	M-060833-
2024000115	Jennifer	Harris	M-032420
2024000116	Madeline	Samuels	M-012987
2024000117	RuQayyah	Bobo	M-042846
2024000118	Sherry	Sarah	M-042052
2024000120	Earlene	Hart	M-048489
2024000121	Allen	Boone	M-052846
2024000123	June	Hayes	M-009011
2024000124	Martin	Brennan	M-036294
2024000125	Matthew	Hayes	M-129524
2024000126	Travis	Brown	M-026671
2024000127	Margaret	Healy	M-039796
2024000128	Mark	Saunders	M-057722
2024000129	Roxanne	Brunner	M-005282
2024000130	Susan	Schampers	M-045704
2024000131	Alicia	Henderson	M-036721
2024000132	Theresa	Schmehl	M-029588
2024000133	Tara	Scott	M-006946
2024000134	Ronald	Henderson	M-133736
2024000135	Douglas	Scott	M-034471
2024000136	Michele	Scott	M-068028
2024000138	Marvetta	Hendricks	M-039490
2024000145	Carla	Hill	M-038667
2024000146	Janette	Hilton	M-038692
2024000148	Charles	Hollingsworth	M-053591
2024000150	Jeanette	Hudson Copeland	M-015928
2024000151	Deborah	Huntsman	M-134582
2024000153	Mary	Hwilka	M-046386
2024000154	Gladys	Isaac	M-132383
2024000156	Marc	Jackosky	M-013366
2024000158	Gregory	Jackson	M-010431
2024000159	Rhonda	Jackson	M-030560
2024000160	Latanya	Jackson	M-125744
2024000161	Shirley	Jamerson	M-053521
2024000162	Dorene	James-Hill	M-014192
2024000163	Portia	Jenkins	M-022183

APPEAL NO.	FIRST NAME	LAST NAME	M-NUMBER
2024000166	Christopher	Jones	M-009988
2024000167	Susanna	K-Buday	M-095295
2024000168	Tenisha	Jones	M-039335
2024000169	Jennifer	Jones	M-112562
2024000170	Rodney	Jones	M-058288
2024000171	Cynthia	Joshua	M-039551
2024000188	Molly	Kendrew Duncan	M-027264
2024000190	Karen M	Kepley-McGrane	M-033287
2024000191	Tiffany	King	M-054717
2024000196	Betty	Kitchen	M-051904
2024000197	Bradley	Knueppel	M-134236
2024000198	Tessie	Scott	M-050657
2024000201	Kirk	Sebrian	M-093282
2024000202	Yvette	Seda	M-008323
2024000203	Latonya	Sheard	M-110151
2024000204	Lunaria	Knutson	M-006945
2024000207	Rita	Shiloski	M-019322
2024000208	Lisa	Short	M-073956
2024000209	Joseph	Konecny-	M-037475
2024000210	Frank S	Kos	M-027202
2024000211	Becky	Shugart	M-049683
2024000213	Elizabeth	Sigmund	M-016798
2024000214	Hollis	Lewis	M-007104
2024000215	Chandra	Singleton	M-130567
2024000216	Donald	Lewis	M-029962
2024000217	Pamela	Slicton	M-071829
2024000218	Verlinda	Lewis	M-048501
2024000219	Cheryl	Smith	M-022038
2024000220	Glenda	Smith	M-057531
2024000221	Charles	Lincoln	M-105781
2024000222	Sue Ann	Long	M-037415
2024000223	Colleen	Smith	M-063788
2024000224	Janet	Lukawski	M-033303
2024000225	Lorna	Lynch	M-007045
2024000227	Lisa	MacConnell	M-134687
2024000228	Julien	Mack	M-095057
2024000234	Patricia	Madera	M-074518
2024000235	Mark	Majszak	M-039889
2024000236	Jimjo	Malaga	M-132927
2024000237	Valerie	Mallard	M-033332
2024000239	Lynnette	Mannie	M-037930
2024000240	Jacqueline	Manning	M-065747
2024000242	Kelley	Martin	M-020750

APPEAL NO.	FIRST NAME	LAST NAME	M-NUMBER
2024000245	Janice	Matthews	M-053496
2024000246	Kenneth	Matthews	M-129085
2024000248	Tyisha	McDonald	M-096381
2024000252	Sharynn	McGee	M-022790
2024000256	Gail	McGraw	M-050253
2024000259	Anne	Mcmanus	M-020257
2024000260	Nancy	Medina	M-009803
2024000261	Dionne	Merriweather	M-038449
2024000263	Tinsley	Williams-Cloud	M-106614
2024000265	Matthew	Mirabito	M-077993
2024000266	James	Wilson	M-015832
2024000268	Trina	Mitchell	M-037448
2024000269	Jimmie	Wilson	M-056890
2024000270	Eddie	Mobley	M-018056
2024000271	Chalise	Modest	M-005916
2024000273	Jabari	Wilson	M-110290
2024000274	Wilbur	Moore	M-085927
2024000276	Edward	Moore Jr.	M-068684
2024000278	Raul	Mora	M-129279
2024000280	Mark	Moreland	M-033592
2024000282	Katherine	Moreland	M-107793
2024000283	Linda	Morrison	M-033962
2024000286	Ronald	Nance	M-022157
2024000287	Deborah	Neal	M-070099
2024000290	James	Odea	M-017439
2024000291	Debra	Orban	M-033845
2024000292	Veronica	Orellana	M-053359
2024000293	Mark	Wolover	M-093107
2024000294	Carol	Wood	M-006866
2024000295	Najima	Wood	M-068733
2024000297	Stacia	Woodberry	M-055900
2024000301	Marilyn	Yeates	M-027226
2024000302	Chad	Yoder	M-091915
2024000303	Diane	Ziesman	M-057078
2024000314	Cherise	Smith	M-072177
2024000315	Mary	Smith	M-134051
2024000317	Francine	Snead	M-006923
2024000320	Rickey	Spencer	M-028533
2024000321	Frances	Stewart	M-019125
2024000322	Stephanie	Stewart	M-056772
2024000324	Karen	Strawbridge	M-015537
2024000326	Revea	Strozier	M-020773

APPEAL NO.	FIRST NAME	LAST NAME	M-NUMBER
2024000330	Dharmendra	Surati	M-013202
2024000331	Susan	Svetanoff	M-034030
2024000333	Maryana	Swint	M-009353
2024000337	April	Swinton	M-011138
2024000339	Frank	Sykora	M-129551
2024000340	Bernice	Talotta	M-079473
2024000341	Darlene	Tate	M-127123
2024000343	Marsha	Tatum	M-030076
2024000344	Kathy	Taylor	M033429
2024000345	Nancy	Thai	M-074298
2024000346	Arnell	Thomas	M-013645
2024000347	Lynn	Thompson	M-137579
2024000358	Mariana	Tiffer	M-075615
2024000360	Claudia	Tiffer	M-075637
2024000361	Sharon	Trowery	M-018129
2024000362	Francelia	Turner	M-018960
2024000363	Kokila	Vadher	M-129371
2024000364	Rochelle	Vaughn	M-065666
2024000366	Darla	Vaughn	M-084483
2024000367	Cheryl	Veale	M-022350
2024000368	Sondra	Vega	M-019305
2024000370	Julene	Vigilante	M-005044
2024000371	Debra	Villarreal	M-063906
2024000372	Naomi	Wade	M-067478
2024000373	Sharon	Walker	M-099767
2024000374	Wilma	Burrage- Graham	M-017942
2024000375	Doreen	Walker	M-125225
2024000376	Dale	Burtle	M-038458
2024000377	Marie	Wallace	M-018403
2024000378	Michael	Warren	M-048100
2024000379	Shannon	Burnell	M-035150
2024000380	Sharon	Watkins	M-079993
2024000381	Steve	Wernke	M-032986
2024000382	Janet	Butler	M-019489
2024000383	Shirley	Wheeler	M-015578
2024000385	Diane	Williams	M-034903
2024000386	Renita	Williams	M-035663
2024000387	Lorna	Williams	M-070628
2024000388	Regina	Williams	M-085241
2024000389	Brendelo	Williams	M-102701
2024000390	Thomas	Butler	M-126873
2024000395	Rebecca	Caldera	M-070383

APPEAL NO.	FIRST NAME	LAST NAME	M-NUMBER
2024000398	Christopher	Campbell	M-036838
2024000399	James	Carney	M-110270
2024000401	Lisa	Carter	M-048499
2024000402	Henry	Caesar Jr	M-127153
2024000404	Linh	Chau Pham	M-124106
2024000405	Thomas	Chirayath	M-052469
2024000415	Valorie	Chivers	M-024226
2024000416	John	Choate Jr.	M-134010
2024000417	Marlene	Cicccone	M-130005
2024000418	Darlene	Clareth	M-008282
2024000419	Jeanne	Clay	M-031526
2024000420	Lann	Clower	M-070181
2024000421	Mary	Coles	M-077394
2024000423	Yvette	Collier	M-038558
2024000424	James	Collins II	M-131051
2024000429	Alishea	Coney-Becton	M-037956
2024000430	Mary Ann	Conroy	M-003566
2024000431	Thomas	Considine	M-091406
2024000432	Warren	Cook	M-014694
2024000433	Brenda	Cowan	M-019834
2024000434	Kathalyn	Craig	M-109470
2024000435	Patrice	Crawley	M-040386
2024000439	Roseanne	Cronin	M-041887
2024000442	Ronald	Croxton	M-016523
2024000444	Mallory	Dates	M-033338
2024000445	David	Davidson	M-104133
2024000446	Darcy	Davis	M-036015
2024000447	Stacie	Davis	M-045467
2024000448	Donda	Davis	M-048397
2024000449	Phillip	Davis	M-093813
2024000450	Emma	Dawson	M-050411
2024000451	Shaun	Defreitas	M-078436
2024000452	Brenda	Derrickson	M-014887
2024000453	Kuuit	Dhillon	M-098068
2024000455	Carol	Dietrich	M-016304
2024000456	Samuel	Dixon	M-112434
2024000458	Sandra	Dobyns	M-020870
2024000459	Jill	Doerr	M-039437
2024000460	Shirley	Douglass	M-033830
2024000461	Gloria	Duarte	M-066139
2024000462	Cherrie	Edmonds	M-016879
2024000463	Tami	El-Amin	M-033426

APPEAL NO.	FIRST NAME	LAST NAME	M-NUMBER
2024000465	Dorothy	Evans	M-074706
2024000466	Sheila	Ezzell	M-094529
2024000467	Katherine	Farley	M-036518
2024000469	Deborah	Finley	M-027378
2024000470	Jennifer	Flot	M-060934
2024000471	Willie	Foxhall	M-013344
2024000472	Barbara	Freeman	M-017818
2024000474	Mary	Freeman	M-033387
2024000475	Jennie	Freeman	M-109705
2024000476	Ato	Fuller	M-011320
2024000477	Darcy	Gajeski	M-062283
2024000478	Ruby	Garrett	M-035489
2024000480	Kendra	Gilchrist	M-020638
2024000481	Rubby	Gilmore	M-035489
2024000482	Darlyn	Gordon	M-048410
2024000483	Pier	Gourdine	M-014027
2024000485	Kimberly	Greene	M-022692
2024000486	Sandra	Reynolds	M-074428
2024000497	Douglas	Richardson	M-021458
2024000498	Tina	Richmond	M-037331
2024000499	Loretta	Riley	M-129707
2024000500	Sherman	Robinson	M-037424
2024000501	Kara	Robinson	M-041350
2024000502	Carry	Rogers	M-085771
2024000503	Scott	Roman	M-109744
2024000504	Yvonne	Ross	M-038193