



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

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Website: www.eeoc-nrpphase2.com

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

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 individuals on April 17, 2018; April 19, 2018; April 20, 2018; and April 24, 2018, *see* Excel Spreadsheet entitled, *April 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 14,284 individuals previously identified as class members in this litigation. *See* Certification of Service, attachment B.

In further Compliance with OFO’s decision, the Postal Service posted the “*Notice to Employees Pursuant to Order of the Equal Employment Opportunity Commission*” its facilities and its website. *See* Declarations from Human Resources Managers, attachment C. The Agency provided the Commission with its Report of Compliance on October 3, 2019. *See* Compliance Report, attachment D. With these measures the Postal Service argues that it has met its burden regarding notification to these individuals; therefore, their claims of relief are 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 documents¹ 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@eeoc.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 *April 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*

¹ 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.

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