



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

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New York, NY 10004-2112
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 these claims for relief appear to be untimely and therefore appropriate for dismissal under 29 C.F.R. §1614.204(1)(3). Specifically, the Agency mailed out notices to individuals of their right to file a claim of relief. See attached Excel Spreadsheet entitled, *May 2018 Notifications*. The Agency further supports its contention by providing a Certificate of Service, dated May 1, 2018, which avers that the “*Notice to Employees Pursuant to Order of the Equal Employment Opportunity Commission*” was mailed to 116 individuals previously identified as class members. See attached Certificate of Service. The Postal Service tracked these mailings and the dates of responses via Agency barcode. That stored information was shared with the Commission in its December 8, 2022, Excel spreadsheet.

In further compliance with OFO’s decision, the Postal Service posted the “*Notice to Employees Pursuant to Order of the Equal Employment Opportunity Commission*” at its facilities and on its website. See attached Declarations. With these measures the Postal Service argues that it has met its burden of notification to 116 individuals and their claims of relief are untimely and should be dismissed.

THEREFORE, unless Claimants/Class Counsel can demonstrate that their claims were timely or demonstrate good cause as to why the claim is untimely, the claim for relief will be dismissed. Both parties may submit a response to this Notice of Intent within fifteen (15) days from receipt of this Notice. A copy of the response must be sent to the other party. **Documents received after the deadline will not be considered.** Parties **should not** submit copies of documents believed to already be in the record; however, given the age and length of this litigation the parties **must** identify the title of the document and when and where (*i.e.*, as an exhibit to a motion, discovery document, etc.) such document was produced to the Commission.

It is SO ORDERED.



Monique J. Roberts-Draper
Administrative Judge

Attachments:

- a. Excel spreadsheet entitled *May 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*

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

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