

**UNITED STATES POSTAL SERVICE  
EQUAL EMPLOYMENT OPPORTUNITY CASE  
IN THE MATTER OF:**

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**Clarence M. Hill,  
Complainant,**

**Agency Case No. 4H-310-0091-04  
EEOC Case No. 110-2004-00311X  
Filed on: June 2, 2004**

**v.**

**John E. Potter.  
Postmaster General,  
c/o Southeast Area Operations,  
Respondent**

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**NOTICE OF FINAL ACTION**

In accordance with 29 C.F.R. 1614.110(a), this is the Postal Service's Notice of Final Action for Complainant Clarence Hill's class complaint of discrimination, identified above. In his class complaint, Complainant alleged discrimination based on disability (disabled veteran), asserting that the Postal Service made pre-employment medical requests to disabled veteran applicants.

On September 20, 2007, Administrative Judge Philip S. Davi of the Atlanta District Office of the Equal Employment Opportunity Commission (EEOC) issued a decision, which the Postal Service received on September 24, 2007. The Administrative Judge determined that the class complaint met the prerequisites for class certification and that the geographic scope of the class is nationwide. He also held that the class should include all disabled veterans who sought disabled veterans' preference and who were asked by the agency to bring medical documentation in excess of that required to verify their entitlement to the preference to an interview before an offer of employment was made beginning on March 19, 2004 (forty-five days prior to Complainant's request for pre-complaint counseling) to the present.

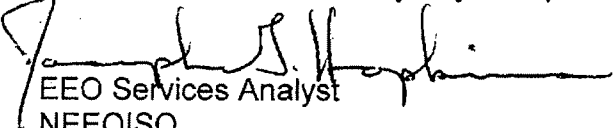
The agency does not agree with the Administrative Judge concerning: (1) the geographic scope of the purported class; and (2) the temporal scope of the purported class. Consequently, the agency has decided not to implement the decision of the Administrative Judge and to appeal his decision to the Office of Federal Operations of the Equal Employment Opportunity Commission. You will receive a copy of the appeal as well as the brief filed in support of that appeal.

### Appeal to the EEOC

You have the right to appeal the Postal Service's Notice of Final Action to the Director, Office of Federal Operations, Equal Employment Opportunity Commission, P. O. Box 19848, Washington, DC 20036-9848 within thirty (30) calendar days of the date of your receipt of this decision. You must use the enclosed EEOC Form 573 in connection with your appeal. You may also deliver your appeal in person or by facsimile provided that appeals filed by facsimile are ten pages or less in length. Any supporting statement or brief must be filed within thirty calendar days of the date of filing of the appeal. Along with your appeal, you must submit proof that a copy of the appeal and any supporting documentation or brief were also submitted to the National EEO Investigative Services Office, NEEOISO – FAD, P. O. Box 21979, Tampa, FL 33622-1979. You are also advised that if you file your appeal beyond the thirty-day period established by the Commission's regulations, you should provide an explanation as to why your appeal should be accepted despite its untimeliness. If you cannot explain why your untimeliness should be excused in accordance with 29 C.F.R. 1614.604, the Commission may dismiss your appeal.

### Right to File a Civil Action

Alternatively, if you are dissatisfied with the Postal Service's Notice of Final Action, you may file a civil action in an appropriate United States District Court within ninety (90) calendar days of the date of your receipt of this decision, within ninety calendar days of the EEOC's final decision on any appeal, or after 180 days from the filing of an appeal with the EEOC if no final decision has been rendered on the appeal. If you choose to file a civil action, that action should be captioned **Clarence M. Hill v. John E. Potter, Postmaster General**. You may request that the court appoint an attorney for you and to authorize the commencement of the action without the payment of fees, costs, or security. Whether such requests are granted or denied is within the sole discretion of the United States District Judge. Your application for such consideration must be filed within the same ninety-day time period for filing the civil action.

  
EEO Services Analyst  
NEEOISO  
P. O. Box 21979  
Tampa, FL 33622-1979

October 18, 2007

Enclosure: EEOC Form 573

Clarence M. Hill  
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Ellabell, GA 31308-0231

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