

The Commission has defined the class in this matter to include:

Those persons employed by the Agency throughout the United States between January 1, 1992, and the present while in permanent rehabilitation positions who were allegedly denied promotional and/or advancement opportunities allegedly due to discrimination on the basis of disability.

The Commission has defined the phrase "advancement opportunities" to mean vertical movement from a lower grade and/or pay within the Postal Service system, to a position at a higher level grade and/or pay. The Commission has defined the phrase "promotional opportunities" to include training, assignments, details and awards that would have enhanced a class member's qualifications for promotion to such position, whether the promotion would have been a career ladder promotion or a competitive promotion. The phrase "permanent rehabilitation employee" means any current or former Postal Service employee injured in the performance of their duties, who as of January 1992 and forward: (1) had a claim accepted by the U.S. Department of Labor, Office of Worker Compensation Programs for wage loss and permanent partial disability; and (2) was provided with an indefinite modified job assignment or position, upon return to work.

The parties entered into a Settlement Agreement on November 20, 2003. The Settlement Agreement provides for, in significant part, an administrative claims process to resolve all potential claims arising under the Class Complaint in this case.

The parties submitted the Settlement Agreement to U.S. Equal Employment Opportunity Administration (EEOC) Administrative Judge Dickie Montemayor on November 20, 2003 for review and approval. On December 3, 2003, Administrative Judge Montemayor issued an order granting preliminary approval of the Settlement Agreement. Following preliminary approval, the Postal Service, pursuant to Commission regulations, notified potential class members in writing of the terms of settlement. Potential class members were specifically notified of the terms of the proposed Settlement Agreement and of the requirement to submit objections within 30 calendar days from the date of the Notice of Resolution.

Through a third party contract Claims Administrator, the Postal Service mailed the Notice of Resolution to over 26,000 potential class members. The Postal Service also posted the Notice of Resolution in over 30,000 Postal Service facilities and provided information concerning the Settlement Agreement, as well as how to obtain additional information concerning the settlement, in Postal Service publications.

The Administrative Judge accepted 79 written objections as timely. Thereafter, class counsel and Postal Service counsel filed briefs in support of the Settlement Agreement. The parties also provided sworn declarations in support of the Settlement Agreement. On June 10, 2004, Administrative Judge Montemayor entered a final Order Approving Settlement Agreement and Correction Notice. The Correction Notice simply amends

the Order Approving Settlement Agreement to reflect the correct date that the Postal Service mailed out the Notice of Resolution.

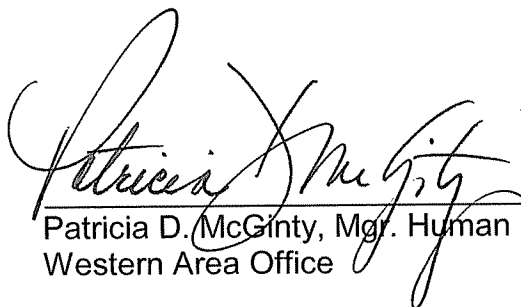
I have reviewed the entire record, including the Settlement Agreement and Order Approving Settlement Agreement issued on June 10, 2004, and I have decided to implement the decision of the Administrative Judge. Consequently, Class Complaint CC-801-0015-99 is settled pursuant to Administrative Judge Dickie Montemayor's Order Approving Settlement Agreement dated June 10, 2004.

You may have the right to appeal the Postal Service's final action to the Director, Office of Federal Operations, Equal Employment Opportunity Commission, PO Box 19848, Washington, DC 20036-9848 within thirty (30) calendar days of the date of your receipt of the Postal Service's final action. You must submit any statement or brief in support of that appeal within thirty (30) days of the date of the appeal. You must use PS Form 3573, a copy of which is enclosed, in connection with your appeal. You may also deliver your appeal in person or by facsimile provided that briefs filed by facsimile are ten or fewer pages in length. You must provide the Postal Service with a copy of your appeal and any supporting statement or brief to:

**Brenda K. Hilton, Manager
EEO Compliance & Appeals
Western Area
P. O. Box 300
Denver CO 80201-0300**

You may have the right to file a civil action in an appropriate U. S. District Court within ninety (90) calendar days of the date of your receipt of the Postal Service's final action, within ninety (90) calendar days of the EEOC's final decision on any appeal, or after 180 days from the date of filing of an appeal with the EEOC if no final decision has been rendered. Should you choose to file a civil action, your filing should be styled **(Chandler Glover and Dean Albrecht v. John E. Potter, Postmaster General, U.S. Postal Service)**. If you do not have or cannot afford an attorney, you may request that the court appoint an attorney to represent you and that the court permit you to file the civil action without the payment of fees, costs, or other security. Whether these requests are granted or denied is within the sole discretion of the District Judge. These requests must also be filed within the same ninety-day time period for filing the civil action.

July 08, 2004
Date


Patricia D. McGinty, Mgr. Human Resources
Western Area Office



Notice of Appeal/Petition to the Equal Employment Opportunity Commission, Office of Federal Operations

1. Appellant's Name (Last, First, MI) (Please Print or Type) 2. Daytime Telephone No. (Include Area Code)

3. Home Mailing Address

4. Name of Attorney or Other Representative (If any) 5. Telephone No. (Include Area Code)

6. Address of Attorney or Other Representative (If applicable)

7. Has the Appellant Filed a Formal Complaint with His/Her Agency? [] No [] Yes - Indicate the Agency's Complaint No.: _____

8. Name of Agency Being Charged with Discrimination

9. Location of Duty Station or Local Facility in Which the Complaint Arose

10. Has a Final Decision Been Issued by the Agency or MSPB on this Complaint? [] Yes (Indicate the date the appellant received it, _____, and attach a copy.) [] No [] This Appeal Alleges a Breach of a Settlement Agreement.

11. Has a Complaint Been Filed on this Same Matter with the Commission, Another Agency, or Through Any Other Administrative or Collective Bargaining Procedure? [] No [] Yes (Indicate the agency of procedure, complaint/docket number, and attach a copy, if appropriate.)

12. Has a Civil Action (Lawsuit) Been Filed in Connection with This Complaint? [] No [] Yes (Attach a copy of the civil action filed.)

NOTICE: Before mailing this appeal, please be sure to attach a copy of the final decision from which you are appealing, if one has been issued. Any comments or brief in support of the appeal MUST be filed with the Commission AND with the agency within 30 days of the date this appeal is filed. Making a knowingly false statement on this form is punishable by law. See 18 U.S.C. § 1001.

Privacy Act Statement

(This form is covered by the Privacy Act of 1974. Public Law 93-597. Authority for requesting the personal data and the use thereof is given below.) 1. Form Number/Title/Date: EEOC Form 573, Notice of Appeal/Petition (April 1992 edition). 2. Authority: 42 U.S.C. § 2000e-16. 3. Principle Purpose: The purpose of this questionnaire is to solicit information to enable the Commission to properly and efficiently adjudicate appeals filed by Federal employees, former Federal employees, and applicants for Federal employment. 4. Routine Uses: Information provided on this form will be used by Commission employees to determine (a) the appropriate agency from which to request relevant files; (b) whether the appeal is timely; (c) whether the Commission has

jurisdiction over the issue(s) raised in the appeal; and (d) generally to assist the Commission in properly processing and deciding appeals. Decisions of the Commission are final administrative decisions, and such as, are available to the public under the provisions of the Freedom of Information Act. Some information may also be used in de-personalized form as a database for statistical purposes. 5. Whether Disclosure is Mandatory or Voluntary and Effect on Individual for not Providing Information: Since your appeal is voluntary action, you are not required to provide any personal information in connection with it. However, failure to supply the Commission with the requested information could hinder timely processing of your case, or even result in the rejection or dismissal of your appeal.

13. Signature of Appellant or Appellant's Representative Date

Send Your Appeal to: THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION OFFICE OF FEDERAL OPERATIONS PO BOX 19848 WASHINGTON DC 20036-9848

For EEOC Use Only OFO Docket No