



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
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James L. Sherley
39 Sheridan Street
Boston, MA. 02130

FEB 04 2008

Re: James L. Sherley v. MIT
EEOC Charge No. 523-2007-00945

Dear Mr. Sherley:

This is in response to your letter requesting reconsideration of the final findings issued in the above referenced charge of employment discrimination.

The Equal Employment Opportunity Commission (EEOC) has no obligation to reconsider the final findings we have issued on a charge. EEOC Directors may decline to review a request to reconsider an EEOC finding unless the charging Party presents substantial new and relevant evidence, or a persuasive argument that the EEOC's prior decision was contrary to the facts or the law.

EEOC Guidance, Section 605.6 states, in relevant part, that "in order to determine whether a charge is timely filed, (EEOC) must initially determine the date on which the alleged unlawful employment practice occurred. This can usually be done by identifying the *final event* in the unlawful employment practice." In determining the statute of limitation in a discharge issue, Section 605.6 states "the *final event* in the employment practice occurs when the charging party is officially notified of the Respondent's decision to discharge him/her." In Delaware State College v. Ricks, 449 U.S. 250 (1980), "the Supreme Court held that a charge alleging discriminatory denial of tenure must be filed within (300) days of the date on which the decision to deny tenure was communicated to the tenure applicant." You were notified by the Respondent of its decision to deny your tenure application well beyond the three hundred days statute of limitation from the date your charge was filed with the EEOC. Even though your termination date was extended from June 30, 2006 to December 31, 2006, and again to June 30, 2007, the statute of limitation began to run when you were notified by the Respondent of its decision to terminate your employment i.e., on or near June 13, 2005.

Assuming the issues you raised in your charge were timely filed with the EEOC, it is worth noting that Respondent articulated bona-fide, legitimate and non-discriminatory reasons for its actions that may have been unfair to you but they were not causally connected or directly related to your petition and opposition in a legally protected activity that is enforced by the EEOC.