

PETITION FOR RECONSIDERATION AND RULE AMENDMENT

PETITION FOR RECONSIDERATION AND RULE AMENDMENT (5 U.S.C. § 553(e))

This petition seeks reconsideration, amendment, or repeal of the United States Postal Service rule entitled “Postmarks and Postal Possession,” effective December 24, 2025. The rule alters how postmarks and possession are treated for purposes of timeliness, creating serious procedural, constitutional, and equitable defects.

This petition is submitted to preserve administrative remedies, request agency correction, and establish a formal record for review.

I. Administrative Procedure Act Violations

The Administrative Procedure Act requires reasoned decision-making and meaningful opportunity for public participation. Agencies must consider reliance interests and provide adequate justification when altering settled policy. 5 U.S.C. §§ 553, 706.

The rule fails to meaningfully address foreseeable harms, reliance interests, or alternatives, rendering it arbitrary and capricious under *Motor Vehicle Mfrs. Ass’n v. State Farm*, 463 U.S. 29 (1983), and *Encino Motorcars, LLC v. Navarro*, 579 U.S. 211 (2016).

The agency also failed to sufficiently explain its departure from prior practice, in violation of *FCC v. Fox Television Stations*, 556 U.S. 502 (2009).

II. Retroactivity and Fair Notice

Rules affecting filing deadlines and legal consequences may not operate retroactively absent clear congressional authorization. *Bowen v. Georgetown Univ. Hosp.*, 488 U.S. 204 (1988); *Landgraf v. USI Film Prods.*, 511 U.S. 244 (1994).

To the extent this rule affects mail deposited before or near its effective date, it impermissibly attaches new legal consequences to past conduct.

III. Due Process and Access to Justice

Procedural due process protects meaningful access to courts and administrative processes. *Goldberg v. Kelly*, 397 U.S. 254 (1970); *Logan v. Zimmerman Brush Co.*, 455 U.S. 422 (1982).

By narrowing acceptable proof of timeliness and relying on unpredictable mail processing, the rule burdens individuals who lack access to electronic filing or expedited delivery.

These burdens fall disproportionately on rural residents, elderly individuals, people with disabilities, and low-income populations, raising serious constitutional concerns. *Tennessee v. Lane*, 541 U.S. 509 (2004).

IV. Arbitrary and Inequitable Effects

The rule fails to consider known USPS service delays, regional disparities, or operational variability. Agencies must consider important aspects of the problem before acting. *State Farm*, 463 U.S. at 43.

Failure to do so renders the rule arbitrary, capricious, and contrary to law under 5 U.S.C. § 706(2).

V. Requested Relief

The undersigned respectfully requests that USPS:

1. Stay enforcement of the rule.
2. Reopen public comment.
3. Conduct a full equity and reliance-impact analysis.
4. Restore prior postmark standards pending review.
5. Issue a revised rule consistent with statutory and constitutional requirements.

Where to Send This Petition

Email: PCFederalRegister@usps.gov (Subject: Petition for Reconsideration – Postmarks and Postal Possession)

Mail: Director, Product Classification, U.S. Postal Service, 475 L'Enfant Plaza SW, Room 4446, Washington, DC 20260-3436

Optional copy: General Counsel, U.S. Postal Service, 475 L'Enfant Plaza SW, Washington, DC 20260-1100

Appendix – Authorities Cited

Administrative Procedure Act, 5 U.S.C. §§ 553, 706.

Motor Vehicle Mfrs. Ass'n v. State Farm, 463 U.S. 29 (1983).

FCC v. Fox Television Stations, 556 U.S. 502 (2009).

Encino Motorcars, LLC v. Navarro, 579 U.S. 211 (2016).

Bowen v. Georgetown Univ. Hosp., 488 U.S. 204 (1988).

Landgraf v. USI Film Prods., 511 U.S. 244 (1994).

Goldberg v. Kelly, 397 U.S. 254 (1970).

Logan v. Zimmerman Brush Co., 455 U.S. 422 (1982).

Tennessee v. Lane, 541 U.S. 509 (2004).