

NOTE: This order is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**GREGORY W. INGRAM,**  
*Petitioner,*

v.

**OFFICE OF PERSONNEL MANAGEMENT,**  
*Respondent.*

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2010-3186

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Petition for review of the Merit Systems Protection Board in case no. DC831E090776-I-1.

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**ON MOTION**

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Before RADER, *Chief Judge*, LOURIE and O'MALLEY, *Circuit Judges*.

PER CURIAM.

**ORDER**

The Office of Personnel Management (OPM) moves without opposition to remand this case for further proceedings.

Gregory W. Ingram filed an action at the Board challenging OPM's denial of his application for disability

retirement. The Board affirmed OPM's decision, finding that the record did not show that Ingram suffered any medical condition requiring his absence from the workplace or affecting his ability to perform the essential duties of his job. In considering Ingram's claim, the administrative judge noted, inter alia, that the Social Security Administration (SSA) had denied his claim for disability benefits.

OPM indicates that on May 2, 2010, after the administrative judge's decision, the SSA awarded Ingram disability benefits. OPM states that the Board should consider this award of benefits along with the other evidence of disability. We grant the motion so that the Board may consider the award of disability benefits.

Accordingly,

IT IS ORDERED THAT:

The motion to remand is granted. The Board's decision is vacated and the case is remanded for further proceedings.

FOR THE COURT

MAY 20 2011  
Date

/s/ Jan Horbaly  
Jan Horbaly  
Clerk

cc: Gregory W. Ingram  
Russell A. Shultis, Esq.

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Issued As A Mandate: MAY 20 2011

**FILED**  
U.S. COURT OF APPEALS FOR  
THE FEDERAL CIRCUIT

MAY 20 2011

JAN HORBALY  
CLERK