

NOTE: This order is nonprecedential.

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

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**ROKSOLIANA DACHNIWSKYJ,**  
*Petitioner,*

v.

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

AND

**THERESA DACHNIWSKYJ,**  
*Intervenor.*

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2011-3158

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Petition for review of the Merit Systems Protection Board in case no. CH0831100439-I-1.

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**ON MOTION**

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**O R D E R**

Before LOURIE, *Circuit Judge.*

The Office of Personnel Management ("OPM") moves to waive the requirements of Fed. Cir. R. 27(f) and remand this case to the Merit Systems Protection Board

with instructions to order reinstatement of OPM's decision awarding a survivor annuity to Roksoliana Dachniwskyj. Roksoliana Dachniwskyj consents. Theresa Dachniwskyj opposes.

We deem it the better course for the matter to be fully briefed and decided by a merits panel.

Accordingly,

IT IS ORDERED THAT:

- (1) The motions are denied.
- (2) OPM's brief is due within 40 days from the date of filing of this order.

FOR THE COURT

AUG 01 2012

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Janice Lea Boback, Esq.  
Hillary A. Stern, Esq.  
Dmytro Kurywczak, Esq.

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

**AUG 01 2012**

**JAN HORBALY**  
**CLERK**