

NOTE: This order is nonprecedential.

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

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**ROSEMARY JENKINS,**  
*Petitioner*

v.

**MERIT SYSTEMS PROTECTION BOARD,**  
*Respondent*

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2023-1641

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Petition for review of the Merit Systems Protection Board in No. DC-0752-11-0867-B-1.

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**ON MOTION**

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Before REYNA, TARANTO, and HUGHES, *Circuit Judges*.  
REYNA, *Circuit Judge*.

**O R D E R**

The Merit Systems Protection Board moves unopposed to waive the requirements of Federal Circuit Rule 27(f) and to remand this case to the Board “to consider in the first instance whether *Archuleta v. Hopper*, 786 F.3d 1340 (Fed. Cir. 2015), warrants a different result in this case.” Mot. at 1.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The motion is granted. The case is remanded to the Board to reconsider its decision consistent with the motion and this order.

(2) Each side shall bear its own costs.

FOR THE COURT

October 13, 2023

Date

/s/ Jarrett B. Perlow

Jarrett B. Perlow

Clerk of Court

ISSUED AS A MANDATE: October 13, 2023