

NOTE: This disposition is nonprecedential.

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

RENEE HARRIS,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent.

2011-3149

Petition for review of the Merit Systems Protection Board in case no. DC0752100086-I-2.

Decided: January 8, 2013

GEORGE M. CHUZI, Kalijarvi, Chuzi, Newman & Fitch, P.C., of Washington, DC, argued for petitioner. Of counsel was TRACY L. GONOS.

SARA B. REARDEN, Attorney, Office of the General Counsel, Merit Systems Protection Board, of Washington, DC, argued for respondent. With her on the brief were JAMES M. EISENMANN, General Counsel, and KEISHA DAWN BELL, Deputy General Counsel.

Before DYK, PLAGER, and O'MALLEY, *Circuit Judges*.

PLAGER, *Circuit Judge*.

This appeal relates to the timeliness of a Petition for Review that Petitioner, Ms. Renee Harris ("Ms. Harris"), filed with the Merit Systems Protection Board ("Board"). Ms. Harris filed a Petition for Review on June 11, 2010, one day after the deadline of June 10, 2010. The Board issued a Final Order rejecting her Petition as untimely.

After the Board issued its Final Order, additional information came to light regarding Ms. Harris' counsel and his involvement in the late filing of her Petition for Review. The Board should have an opportunity to consider this additional information in deciding if Ms. Harris has shown good cause for the late filing.

For this reason, we *vacate* the Board's Final Order, and we *remand* to give the Board an opportunity to consider the full record and determine what, if any, action should be taken.

VACATED AND REMANDED