

NOTE: Pursuant to Fed. Cir. R. 47.6, this disposition is not citable as precedent. It is a public record.

United States Court of Appeals for the Federal Circuit

05-3039

ALFONSO ABADIA,

Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,

Respondent.

DECIDED: July 11, 2005

Before MAYER, LOURIE, and LINN, Circuit Judges.

PER CURIAM.

Alfonso Abadia seeks review of a final decision of the Merit Systems Protection Board that dismissed his appeal as untimely filed without a showing of good cause for his delay. Abadia v. OPM, MSPB No. DC0831030453-I-1 (Initial Decision, Jun. 5, 2003; Final Order Sept. 30, 2004). Counsel for the government admits that “the evidence in the record demonstrates that [Abadia’s] appeal was filed within the regulatory time limit for filing and that the Board erred in finding that his appeal was untimely.” Accordingly, and as requested by both parties, the board’s decision is reversed and the case is remanded for adjudication on the merits.