

NOTE: This order is nonprecedential.

## United States Court of Appeals for the Federal Circuit

2009-3197

HENRY E. GOSSAGE,

Petitioner,

v.

OFFICE OF PERSONNEL MANAGEMENT,

Respondent.

Petition for review of the Merit Systems Protection Board in  
SE0731010261-I-5.

ON MOTION

### ORDER

Henry E. Gossage submits a USERRA Notification Form indicating that his case before the Merit Systems Protection Board involved a claim under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) and thus he is not required to pay the filing fee. The court considers whether to vacate its June 16, 2009 order dismissing Gossage's petition for review for failure to pay the fee.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The June 16, 2009 dismissal order is vacated, the mandate is recalled, and the petition for review is reinstated.

(2) Gossage's brief is due within 21 days of the date of service of the certified index.

FOR THE COURT

**JUN 24 2009**

\_\_\_\_\_  
Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

cc: Henry E. Gossage  
Lauren S. Moore, Esq.

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

s17

**JUN 24 2009**

**JAN HORBALY  
CLERK**