

NOTE: This order is nonprecedential.

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

JEFFREY L. BELL,
Petitioner,

v.

OFFICE OF PERSONNEL MANAGEMENT,
Respondent.

2011-3043

Petition for review of the Merit Systems Protection Board in case no. PH844E090124-I-2.

ON MOTION

Before GAJARSA, MAYER, and PROST, *Circuit Judges.*

PER CURIAM.

O R D E R

The Office of Personnel Management (OPM) moves without opposition to remand this petition for review of a decision of the Merit Systems Protection Board in PH844E090124-I-1 for further proceedings.

The Board had affirmed OPM's determination that Jeffrey L. Bell's request for reconsideration of his applica-

tion for retirement benefits was untimely. OPM now has determined that it should consider Bell's reconsideration request "on its merits, rather than continue to litigate the timeliness of his request." OPM states that on remand, OPM "will request the board to remand the matter to OPM to enable the agency to provide Mr. Bell with a reasonable amount of time to submit additional information, evidence, and argument to support his claim that the agency should reconsider its denial of his disability retirement application" and that OPM will then consider his request for reconsideration on the merits.

Upon consideration thereof,

IT IS ORDERED THAT:

- (1) The motion is granted.
- (2) All sides shall bear their own costs.

FOR THE COURT

MAY 27 2011

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Jeffrey L. Bell
Richard P. Schroeder, Esq.

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Issued As A Mandate: MAY 27 2011

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

MAY 27 2011

JAN HORBALY
CLERK