

NOTE: This order is nonprecedential.

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

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**WILLIAM STEPHEN LUSH, II,**  
*Petitioner,*

v.

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

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2011-3131

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Petition for review of the Merit Systems Protection Board in case no. AT3330090169-I-1.

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**ON MOTION**

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**O R D E R**

William Stephen Lush, II, moves for reconsideration of the court's order dismissing his appeal for failure to file a Fed. Cir. R. 15(c) form concerning discrimination.

Lush argues that he did not need to file the form because his case did not involve discrimination. We treat his submission as indicating that he would check box "(1)" in section A of the form, and waive the requirement that he complete the form.

Accordingly,

IT IS ORDERED THAT:

The motion will be granted, the mandate will be recalled, and the petition will be reinstated, if the petitioner files an informal brief (form enclosed) within 21 days of the date of filing of this order.

FOR THE COURT

DEC 22 2011

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

cc: William Stephen Lush, II (informal brief form enclosed)

Sara B. Rearden, Esq.

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

DEC 22 2011

**JAN HORBALY**  
**CLERK**