

NOTE: This order is nonprecedential.

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

ROGER W. WHITACRE,
Petitioner

v.

DEPARTMENT OF THE NAVY,
Respondent

2022-2176

Petition for review of the Merit Systems Protection Board in No. SF-0752-22-0199-I-1.

ON MOTION

Before PROST, REYNA, and STARK, *Circuit Judges*.
PROST, *Circuit Judge*.

O R D E R

The Department of the Navy moves without opposition to waive the requirements of Federal Circuit Rule 27(f) and to remand this case for further adjudication so that the Merit Systems Protection Board “can reconsider its decision.” Mot. at 1. Specifically, the Department contends that the court should remand so that the Board can

address, in the first instance, Mr. Whitacre's argument that the Department of Defense Consolidated Adjudication Facility and the Personnel Security Appeals Board committed a harmful procedural error in revoking his security clearance eligibility without first allowing Mr. Whitacre to provide new information.

Upon consideration thereof,

IT IS ORDERED THAT:

- (1) The motion is granted. The case is remanded to the Board to reconsider its decision consistent with the motion and this order.
- (2) Each side shall bear its own costs.

FOR THE COURT

June 14, 2023
Date

/s/ Jarrett B. Perlow
Jarrett B. Perlow
Acting Clerk of Court

ISSUED AS A MANDATE: June 14, 2023