

NOTE: This order is nonprecedential.

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

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**MARIO MONTEJO,**  
*Petitioner*

v.

**DEPARTMENT OF LABOR,**  
*Respondent*

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2024-1839

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Petition for review of an arbitrator's decision in No. FMCS 210513-06675 by Stephen L. Hayford.

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**ON MOTION**

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Before TARANTO, WALLACH, and CUNNINGHAM, *Circuit Judges.*

WALLACH, *Circuit Judge.*

**ORDER**

The parties jointly move to remand for the arbitrator to more adequately explain the basis of his decision. ECF No. 21. The Department of Labor also moves unopposed to stay briefing pending consideration of the remand motion. ECF No. 21.

The parties note the arbitrator’s decision “amounted” to a determination that a “time-served’ suspension” was appropriate without addressing the reasonableness of the suspension in light of the factors set forth in *Douglas v. Veterans Admin.*, 5 MSPB 313 (1981), as required by *Greenstreet v. Social Security Admin.*, 543 F.3d 705 (Fed. Cir. 2008). ECF No. 20 at 3–5.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The motion for remand is granted to the extent that the arbitrator’s decision is vacated, and this case is remanded for further proceedings consistent with the motion and this order.

(2) The motion to stay is denied as moot.

FOR THE COURT



Jarrett B. Perlow  
Clerk of Court

April 17, 2025  
Date