

NOTE: This order is nonprecedential.

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

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**PATRICK ANTHONY ALEXANDER,**  
*Petitioner*

v.

**DEPARTMENT OF HOMELAND SECURITY,**  
*Respondent*

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2025-2023

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Petition for review of the Merit Systems Protection Board in No. NY-0752-23-0020-A-1.

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**ON MOTION**

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Before TARANTO, MAYER, and STARK, *Circuit Judges*.  
MAYER, *Circuit Judge*.

**O R D E R**

Patrick Anthony Alexander petitions for review of a Merit Systems Protection Board decision awarding less attorney fees than he requested. The Department of Homeland Security moves unopposed to remand to the Board because the decision “appears to have deducted attorney

fees that Mr. Alexander did not . . . request” and “did not sufficiently explain these deductions.” Mot. at 7.

It is within this court’s discretion to remand to allow the agency to reconsider its previous position. *See SKF USA Inc. v. United States*, 254 F.3d 1022, 1029 (Fed. Cir. 2001). Without drawing any conclusions regarding the merits of the parties’ arguments, the court agrees that remand here could preserve party and judicial resources.

Accordingly,

IT IS ORDERED THAT:

(1) The motion is granted. The case is remanded to the Merit Systems Protection Board for further proceedings consistent with this order.

(2) Each side shall bear its own costs.

FOR THE COURT



Jarrett B. Perlow  
Clerk of Court

February 27, 2026

Date

ISSUED AS A MANDATE: February 27, 2026