NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

JEROSE THOMAS,
Petitioner

v.

DEPARTMENT OF VETERANS AFFAIRS,
Respondent

2026-1448

Petition for review of the Merit Systems Protection Board in No. AT-1221-23-0498-W-2.

ON MOTION

Before CHEN, LINN, and CUNNINGHAM, *Circuit Judges*.

LINN, *Circuit Judge*.

O R D E R

The Department of Veterans Affairs ("VA") moves unopposed to waive Federal Circuit Rule 27(f) and remand to the Merit Systems Protection Board to clarify its decision.

In particular, the VA seeks: (1) clarification as to which specific protected disclosures and/or activities were found protected for purposes of 5 U.S.C. § 2302(b)(8), (9), and how

each fits within the Board's analysis under the factors set forth in *Carr v. Social Security Administration*, 185 F.3d 1318, 1323 (Fed. Cir. 1999); (2) to have the Board articulate whether any of the alleged personnel actions fall within the categories set forth in 5 U.S.C. § 2302(a)(2)(A); and (3) "clarification of language in the initial decision pertaining to the strength of the evidence supporting the agency's personnel actions under the first *Carr* factor." ECF No. 16 at 6–7.

Without drawing any conclusions regarding the merits of the parties' arguments, the court agrees that remand is appropriate to conserve court and party resources.

Accordingly,

IT IS ORDERED THAT:

(1) The motion is granted. The case is remanded for further proceedings consistent with this order and the motion.

(2) Each party shall bear its own costs.

FOR THE COURT

Jarrett B. Perlow
Clerk of Court

October 29, 2026
Date

ISSUED AS A MANDATE: October 29, 2026