

NOTE: This order is nonprecedential.

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

HERBERT OTT WOLFE,
Petitioner

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent

2026-1568

Petition for review of the Merit Systems Protection Board in No. PH-0752-25-1955-I-1.

ON MOTION

Before PROST, MAYER, and CUNNINGHAM, *Circuit Judges*.
CUNNINGHAM, *Circuit Judge*.

O R D E R

The Merit Systems Protection Board moves, with Herbert Ott Wolfe's consent, to waive the requirements of Federal Circuit Rule 27(f) and to remand this case for the Board to reconsider the decision dismissing Mr. Wolfe's appeal for lack of jurisdiction.

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 to the extent that the case is remanded to the Board to consider its decision consistent with the motion and this order.

(2) Each side shall bear its own costs.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

July 6, 2026
Date

ISSUED AS A MANDATE: July 6, 2026