

NOTE: This order is nonprecedential.

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

COREY DEMOND STOGLIN,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent.

2013-3158

Petition for review of the Merit Systems Protection Board in No. CH-4324-12-0389-I-1.

ON MOTION

Before LOURIE, MOORE, and REYNA, *Circuit Judges.*

PER CURIAM.

O R D E R

The Merit Systems Protection Board (Board) moves without opposition to remand this appeal for further proceedings before the Board.

The Board dismissed Corey Demond Stoglin's petition for review as untimely. In the interest of judicial economy, the court grants the Board's motion to remand this

case for the Board to consider, in the first instance, Stoglin's argument that his military service during the 35-day window for filing qualified for mandatory tolling under the Servicemembers Civil Relief Act (SCRA).

Accordingly,

IT IS ORDERED THAT:

- (1) The motion is granted. The case is remanded for additional proceedings consistent with this order.
- (2) Each side shall bear its own costs.

FOR THE COURT

/s/ Daniel E. O'Toole
Daniel E. O'Toole
Clerk of Court

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ISSUED AS A MANDATE: November 4, 2014