

NOTE: This order is nonprecedential.

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

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**PAUL F. HENLEY,**  
*Petitioner*

v.

**MERIT SYSTEMS PROTECTION BOARD,**  
*Respondent*

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2016-2176

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Petition for review of the Merit Systems Protection Board in No. AT-0752-15-0087-I-1.

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**ON PETITION FOR PANEL REHEARING**

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Before PROST, *Chief Judge*, MAYER and MOORE, *Circuit Judges*.

PER CURIAM.

**ORDER**

Petitioner Paul F. Henley filed a petition for panel rehearing.

IT IS ORDERED THAT:

(1) The petition for panel rehearing is granted in part

to correct the applicable legal standard governing this appeal.

(2) The previous opinion in this appeal issued July 19, 2017, is withdrawn and replaced with the revised opinion accompanying this order.

FOR THE COURT

August 4, 2017

Date

/s/ Peter R. Marksteiner

Peter R. Marksteiner

Clerk of Court