

NOTE: This order is nonprecedential.

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

ALYSIA Y. WILLIAMS,
Petitioner

v.

DEPARTMENT OF VETERANS AFFAIRS,
Respondent

2021-2229

Petition for review of an arbitrator's decision in No. 200610-06970 by John T. Nicholas.

ON MOTION

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

ORDER

The Department of Veterans Affairs moves unopposed to waive the requirements of Federal Circuit Rule 27(f) and remand to allow the arbitrator to reevaluate his determination concerning the standard of proof and the penalty choice of removal in light of this court's intervening decisions in *Rodriguez v. Department of Veterans Affairs*, 8

F.4th 1290 (Fed. Cir. 2021), and *Connor v. Department of Veterans Affairs*, 8 F.4th 1319 (Fed. Cir. 2021).

Upon consideration thereof,

IT IS ORDERED THAT:

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

(2) Each side shall bear its own costs.

FOR THE COURT

April 1, 2022

Date

/s/ Peter R. Marksteiner

Peter R. Marksteiner

Clerk of Court

ISSUED AS A MANDATE: April 1, 2022