

NOTE: This order is nonprecedential.

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

KENNETH ROBERT CRANDALL,
Petitioner

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent

2024-2187

Petition for review of the Merit Systems Protection Board in No. PH-3443-24-0243-I-1.

ON MOTION

Before DYK, CUNNINGHAM, and STARK, *Circuit Judges*.

PER CURIAM.

O R D E R

The Merit Systems Protection Board moves unopposed to vacate the final decision and to remand.

The administrative judge dismissed Kenneth Robert Crandall's petition for enforcement as untimely. The Board now states that the administrative judge "provided incomplete information regarding the applicable

timeliness standard” because “he did not explain that . . . the standard for calculating a reasonable filing period runs from the date the petitioner has *actual knowledge* of the breach.” Mot. at 1, 8 (emphasis in the original). The Board seeks remand for “the administrative judge to provide a full and accurate standard for establishing timeliness, . . . for Mr. Crandall to have an opportunity to submit argument and evidence on this issue,” and for the administrative judge “to issue a new ruling applying the correct standards.” Mot. at 6, 9–10.

Upon consideration thereof,

IT IS ORDERED THAT:

- (1) The Board’s motion is granted, the final decision is vacated, and the case is remanded to the Board for further proceedings consistent with this order and the Board’s motion.
- (2) All other pending motions are denied as moot.
- (3) Each side shall bear its own costs.

FOR THE COURT



Jarrett B. Perlow
Clerk of Court

January 13, 2025
Date

ISSUED AS A MANDATE: January 13, 2025