

**UNITED STATES OF AMERICA  
MERIT SYSTEMS PROTECTION BOARD**

ARLENE SMITH IN RE: PAUL D.  
MARSHALL,  
Appellant,

DOCKET NUMBER  
AT-0831-10-0059-R-1

v.

DATE: September 18, 2012

OFFICE OF PERSONNEL  
MANAGEMENT,  
Agency.

**THIS ORDER IS NONPRECEDENTIAL<sup>1</sup>**

Arlene Smith, Bluffton, South Carolina, pro se.

Roxann Johnson, Washington, D.C., for the agency.

Michael W. Fine, Esquire, Sheffield Village, Ohio, for Martha Marshall.

**BEFORE**

Susan Tsui Grundmann, Chairman  
Anne M. Wagner, Vice Chairman  
Mark A. Robbins, Member

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<sup>1</sup> A nonprecedential order is one that the Board has determined does not add significantly to the body of MSPB case law. Parties may cite nonprecedential orders, but such orders have no precedential value; the Board and administrative judges are not required to follow or distinguish them in any future decisions. In contrast, a precedential decision issued as an Opinion and Order has been identified by the Board as significantly contributing to the Board's case law. See [5 C.F.R. § 1201.117\(c\)](#).

**ORDER**

This matter is before the Board on Martha Marshall's request to reopen the case of *Arlene Smith In Re: Paul D. Marshall v. Office of Personnel Management*, MSPB Docket No. AT-0831-10-0059-B-1.<sup>2</sup> On June 14, 2012, we issued an order directing Ms. Marshall to submit evidence and argument in support of her request. Ms. Marshall filed a timely response, as did the Office of Personnel Management, which indicated that it does not object to reopening the appeal. The appellant in this case, Arlene Smith, was also provided an opportunity to respond to the order, but she failed to do so.

Having considered Ms. Marshall's response to the June 14, 2012 order, we find it appropriate to REOPEN the *Arlene Smith* appeal pursuant to our authority under [5 C.F.R. § 1201.118](#). We VACATE the November 16, 2010 initial decision and REMAND the case to the Atlanta Regional Office for further adjudication. Ms. Marshall shall be provided 30 days from the date of this Order to file a motion with the administrative judge for permissive intervention under [5 C.F.R. § 1201.34](#). Should Ms. Marshall file a motion to intervene on or before that deadline, the administrative judge shall grant the motion and provide Ms. Marshall and the parties an opportunity to supplement the record.

FOR THE BOARD:

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William D. Spencer  
Clerk of the Board

Washington, D.C.

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<sup>2</sup> The Board received Ms. Marshall's request in connection with an interlocutory appeal in a related case, *Marshall v. Office of Personnel Management*, MSPB Docket No. CH-831M-11-0770-I-1. We address that appeal in a separate order.