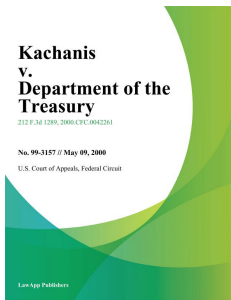


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KACHANIS V DEPARTMENT OF THE TREASURY EBOOKS 2019



Author: Federal Circuit U.S. Court of Appeals

Realese Date: Expected @@expectedReleaseDate@@

Peter R. Kachanis, Jr. petitions for review of the final decision of the Merit Systems Protection Board ("Board") sustaining the refusal by the Internal Revenue Service ("Agency") to restore Kachanis to full employment. See Kachanis v. Department of the Treasury, No. BN-0330-97- 0210-I-1 (Jan. 22, 1999). The Board concluded that the Agency properly afforded all rights owed to Kachanis by placing him on its reemployment priority list ("RPL") after Kachanis had recovered from various work- related injuries that lasted more than one year. We conclude that Kachanis properly presented his challenge to the validity of the regulations promulgated at 35 C.F.R. Part 330, but that the regulations reasonably interpret the expression of Congress' intent at 5 U.S.C. § 5181(b) (1994). We further conclude, however, that the Board did not adequately consider the prejudice Kachanis may have suffered from: (1) the Agency's delay in placing Kachanis on the RPL; (2) the Agency's failure to consider Kachanis for positions other than those at the Warwick, Rhode Island facility; and (3) the Agency's refusal to consider Kachanis for part-time as well as full-time work. Accordingly, we affirm-in-part, vacate-in-part and remand.

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