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No. 24-698

IN THE
SUPREME COURT FOR THE UNITED STATES

ROSE ANN KIMBLE-DAVIS,
Petitioner,

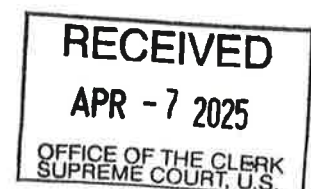
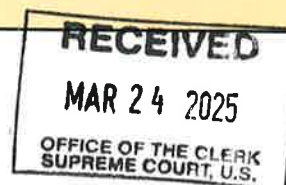
v.

OFFICE OF PERSONNEL MANAGEMENT
Respondents.

On Petition for a Writ of Certiorari to the United
States Court of Appeals for the Federal Circuit

PETITION FOR REHEARING

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PETITION FOR REHEARING

Petitioner respectfully seeks a petition for rehearing of this Court's February 24, 2025 Order denying my petition for a writ of certiorari.

REASONS FOR GRANTING REHEARING

This case is important in that it establishes the rights for designated beneficiaries everywhere and prevents agencies from picking winners and losers when an individual governed by OPM dies.

I submitted enough documentation illustrating that I was a designated beneficiary and by allowing this type of agency behavior it will allow agencies to secretly make determinations as to whom they wish to be beneficiaries and not whom actually should be the beneficiary.

I provided documentation showing I was listed in OPMs records as a designated beneficiary. Further, I enclosed VA forms which illustrated funds were transferred to OPM with a Spousal Master indicated.

According to a LumpSum Face Brief I provided the CSF number for Mr. Kimble's benefits was designated 355115W. Per OPMs own publications the W at the end of the CSF Number and coupled with the lack of certification that I was not the designated beneficiary by OPM leads to the conclusion that OPM made a mistake and distributed the funds to the surviving daughter and not to myself as the designated beneficiary.

Allowing agencies to hide documentation and refuse validly requested and discoverable documents allows OPM to selectively send its representative documents, be told by a court to go look through the OPM file and then only have to certify that "I reviewed the file provided to me by OPM and all responsive documents were provided." I asked the Administrative Law Judge for the recorded telephone conversation I had with OPM on March 15, 2017 where I was informed by OPM that I was listed on Mr. Kimble's CSF Number as a beneficiary and was asked if I received a 1099-R. Yet despite my pleas OPM was not ordered to produce the recording of this call. How am I or anyone supposed to meet their burden when OPM has the evidence and won't provide it to me!

In numerous matters regardless of the divorce status if there is evidence of record that a federal employee seeks to elect a former spouse as a beneficiary for retirement benefits, the intent of that employee prevails. See *Wood v. Office of Personnel Management*, 241 F.3d 1364 (Fed Cir. 2005); see also *Simpson v. Office of Personnel Management* 347 F.3d 1361 (Fed Cir. 2003).

The Court presumed that Mr. Kimble made no elections yet all of the designations made in OPMs file (the OPM documentation explaining designation was newly acquired evidence and rather isn't really evidence but a clarifier and illustration of why I was the designated beneficiary) points towards a

designation for a spouse to receive the money ie. myself. If Mr. Kimble designated me at any point and certainly if he did so AFTER our separation his intent to provide me as the designated beneficiary should be honored.

Given the important impact of agencies refusing to provide documentation will have on other potential beneficiaries I believe it crucial that the Court reconsider and grant my Petition for Rehearing and remand this matter back to the agency level and order them to provide me with the documentation and evidence that should have already been provided to me.

CONCLUSION

Based on all of the foregoing above this Court should grant my petition for rehearing, grant my petition for certiorari, review the lower court determination and remand to the agency to provide me with the evidence it should have already provided me.

Respectfully Submitted,

/s/ Rose Ann Kimble-Davis

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CERTIFICATION

I hereby certify that the accompanying Petition for Rehearing in Davis v. OPM, that grounds stated in the Petition are limited to intervening circumstances of substantial or controlling effect or to other substantial grounds not previously presented.

I further certify that the petition for rehearing is presented in good faith and not for delay.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Rose Ann Kimble Davis

Rose Ann Kimble Davis

Date: 04-03-2025