

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-3104

BRYAN E. RACHAL,

Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,

Respondent.

Petition for review of the Merit Systems Protection Board in DC1221080301-W-1.

ON MOTION

ORDER

The Department of Agriculture moves to reform the official caption to designate the Merit Systems Protection Board as respondent.

Pursuant to 5 U.S.C. § 7703(a)(2), the Board is designated as the respondent when the Board's decision concerns the procedure or jurisdiction of the Board. In this case, the Board dismissed the appeal for lack of jurisdiction. Thus, the Board is the proper respondent in this petition for review.

Accordingly,

IT IS ORDERED THAT:

The motion is granted. The revised official caption is reflected above.

FOR THE COURT

MAR 3 1 2009

Date

/s/ Jan Horbaly
Jan Horbaly
Clerk

FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

cc: Morris E. Fischer, Esq.
Joseph A. Pixley, Esq.
Sara Rearden, Esq.

MAR 3 1 2009

JAN HORBALY
CLERK

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