

NOTE: This order is nonprecedential.

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

2009-3114

DORIS ANN HALL,

Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,

Respondent.

Petition for review of the Merit Systems Protection Board in DC0752080544-I-1.

ON MOTION

Before LINN, Circuit Judge.

## **ORDER**

The Department of Homeland Security (DHS) moves to reform the official caption to designate the Merit Systems Protection Board as respondent. DHS also moves for an extension of time to file its response brief. Doris Ann Hall moves for an extension of time to respond to the agency's motion to reform the official caption.

Hall filed an appeal alleging that DHS constructively discharged her from her position as a human resource specialist. The Board concluded that it did not have jurisdiction over Hall's claim, finding that she had not made nonfrivolous arguments in support of her claim that she involuntarily retired.

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:

- (1) The motion to reform the official caption is granted. The revised official caption is reflected above.
- (2) The Board should calculate its brief due date from the date of filing of this order.
- (3) DHS's motion for an extension of time is denied as moot.
- (4) Hall's motion for an extension of time is denied.

FOR THE COURT

**APR 21 2009**

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

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

cc: Doris Ann Hall  
Devin A. Wolak, Esq.  
Stephanie Conley, Esq. (copy of Hall's informal brief enclosed)

**APR 21 2009**

**JAN HORBALY  
CLERK**

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