

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-3137

RONALD L. ROSS,

Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,

Respondent.

Petition for review of the Merit Systems Protection Board in SF3443080410-I-1.

ON MOTION

Before NEWMAN, Circuit Judge.

ORDER

The United States Postal Service moves to reform the official caption to designate the Merit Systems Protection Board as respondent. Ronald L. Ross opposes.

Ross filed an appeal with the Board challenging his non-selection for a promotion to the position of Area Maintenance Technician. The Board concluded that it did not have jurisdiction over Ross's claim because an agency's decision to not select an employee for a promotion is not appealable to the Board.

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 is granted. The revised official caption is reflected above.
- (2) The Board's informal brief is due within 21 days from the date of filing of this

order.

FOR THE COURT

JUN -1 2009

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

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

cc: Ronald L. Ross
Scott A. MacGriff, Esq.
Sara Rearden, Esq.

JUN 01 2009

JAN HORBALY
CLERK

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