

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-3193

MARCIA V. KNIGHT,

Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,

Respondent.

Petition for review of the Merit Systems Protection Board in PH531D090033-I-1.

ON MOTION

Before MAYER, Circuit Judge.

ORDER

The Department of Labor (DOL) moves to reform the official caption to designate the Merit Systems Protection Board as respondent. Marcia V. Knight opposes.

Knight filed an appeal challenging DOL's failure to grant her a within grade increase. The Board determined that it lacked jurisdiction over Knight's claims because she failed to exhaust her administrative remedies by failing to seek reconsideration of DOL's decision.

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 should calculate its brief due date from the date of filing of this

order.

FOR THE COURT

JUL 30 2009

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Marcia V. Knight
Douglas G. Edelschick, Esq.
Joyce G. Friedman, Esq.

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

JUL 30 2009

**JAN HORBALY
CLERK**