

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2010-3048

SUSAN M. BARELA,

Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,

Respondent.

Petition for review of the Merit Systems Protection Board
in case no. DC1221090641-W-1.

ON MOTION

ORDER

The Department of the Navy moves to reform the official caption to designate the Merit Systems Protection Board as the respondent. The Department also moves for an extension of time until 21 days from date of filing this order for the respondent to file its brief.

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. The deciding agency is designated as the respondent when the Board reaches the merits of the underlying case.

In this case, the Board dismissed the appeal for lack of jurisdiction. Thus, the Board is the proper respondent.

Accordingly,

IT IS ORDERED THAT:

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

FOR THE COURT

MAR 31 2010

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Susan M. Barela
Karen Goff, Esq.
Michael Carney, Esq. (copy of petitioner's informal brief enclosed)

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

MAR 31 2010

JAN HORBALY
CLERK