

NOTE: This disposition is nonprecedential.

## United States Court of Appeals for the Federal Circuit

2007-3040

DAVID H. WHELAN,

Petitioner,

v.

UNITED STATES POSTAL SERVICE,

Respondent.

Philip D. Moran, Law Offices of Philip D. Moran, P.C., of Salem, Massachusetts, argued for petitioner.

David M. Hibey, Trial Attorney, Commercial Litigation Branch, Civil Division, United States Department of Justice, of Washington, DC, argued for respondent. With him on the brief were Peter D. Keisler, Assistant Attorney General, Jeanne E. Davidson, Director, and Todd M. Hughes, Assistant Director. Of counsel was Elizabeth Thomas, Attorney.

Appealed from: United States Merit Systems Protection Board

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## Judgment

ON APPEAL from the Merit Systems Protection Board  
in CASE NO(S). PH0752060062-I-1

This CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

Per Curiam (MICHEL, Chief Judge, SCHALL, Circuit Judge, and BUCKLO\*,  
District Judge).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

DATED: August 10, 2007

/s/ Jan Horbaly  
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Jan Horbaly, Clerk

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\* Honorable Elaine E. Bucklo, District Judge, United States District Court for the Northern District of Illinois, sitting by designation.