

NOTE: This order is nonprecedential.

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

RAKSHAN S. PASHAYEV,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent,

AND

DEPARTMENT OF THE INTERIOR,
Intervenor.

2012-3214

Petition for review of the Merit Systems Protection Board in case no. DA315H110616-I-1.

ON MOTION

O R D E R

The Department of the Interior moves without opposition to reform the caption to name the Merit Systems Protection Board as proper respondent, to allow the Department to intervene, and for an extension of time for the Board and Department to file their response briefs.

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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 employing agency is designated as the respondent when the Board reaches the merits of the underlying case. Here, the Board dismissed this appeal for lack of jurisdiction. Thus, the Board is the proper respondent in this petition for review.

Accordingly,

IT IS ORDERED THAT:

The motions are granted. The revised official caption is reflected above. The Board and Department's response briefs are due within 40 days of the date of filing of this order.

FOR THE COURT

/s/ Jan Horbaly
Jan Horbaly
Clerk

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