

NOTE: This order is nonprecedential.

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

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**DARLENE M. BROUGHTON,**  
*Petitioner,*

v.

**MERIT SYSTEMS PROTECTION BOARD,**  
*Respondent.*

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2014-3063

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Petition for review of the Merit Systems Protection Board in No. SF-0752-13-0101-I-1.

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**ON MOTION**

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**O R D E R**

The Department of the Veterans Affairs (“Department”) moves to reform the official caption to name the Merit Systems Protection Board (“Board”) as the proper respondent, and to set the due date for the Board’s brief as 21 days from the date of disposition of this motion.

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 Broughton's appeal for lack of jurisdiction. Thus, the Board is the proper respondent in this petition for review.

Accordingly,

IT IS ORDERED THAT:

- (1) The motions to reform the caption are 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

/s/ Daniel E. O'Toole  
Daniel E. O'Toole  
Clerk of Court