

NOTE: This disposition is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-3109

THOMAS S. FITZGERALD,

Petitioner,

v.

OFFICE OF PERSONNEL MANAGEMENT,

Respondent.

Myrrel C. Hendricks, Jr., Gebhardt & Associates, LLP, of Washington, DC, argued for petitioner.

Eric P. Bruskin, Attorney, Commercial Litigation Branch, Civil Division, United States Department of Justice, of Washington, DC, argued for respondent. With him on the brief were Tony West, Assistant Attorney General, Jeanne E. Davidson, Director, Reginald T. Blades, Jr., Assistant Director, and Robert E. Chandler, Trial Attorney.

Appealed from: Merit Systems Protection Board

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OFFICE OF PERSONNEL MANAGEMENT,

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Judgment

ON APPEAL from the Merit Systems Protection Board

in CASE NO(S). PH0752080268-I-1.

This CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

Per Curiam (MAYER, LOURIE, and LINN, Circuit Judges)

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

DATED May 6, 2010

/s/ Jan Horbaly
Jan Horbaly, Clerk