

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-3302

KURT CHADWELL,

Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,

Respondent,

and

OFFICE OF PERSONNEL MANAGEMENT,

Intervenor.

Petition for review of the Merit Systems Protection Board
in DA300A080567-I-1.

ON MOTION

ORDER

The Office of Personnel Management (OPM) moves without opposition to reform the official caption to designate the Merit Systems Protection Board as respondent. OPM also moves for leave to intervene. Kurt Chadwell opposes and moves without opposition for a 30-day extension of time, until December 29, 2009, to file his brief. OPM replies.

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

Accordingly,

IT IS ORDERED THAT:

- (1) OPM's motions are granted. The revised official caption is reflected above.
- (2) Chadwell's motion for an extension of time is granted.

FOR THE COURT

DEC 10 2009

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Kurt Chadwell
Michael N. O'Connell, Esq.
Stephanie Conley, Esq.

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

DEC 10 2009

JAN HORBALY
CLERK