

NOTE: This order is nonprecedential.

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

RAKHMATULLA ASATOV,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent.

2013-3124

Petition for review of the Merit Systems Protection Board in No. PH4324130227-I-1.

ON MOTION

O R D E R

The Department of the Army moves without opposition to reform the caption to name the Merit Systems Protection Board as respondent.

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,

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the Board dismissed Asatov's appeal for failure to state a claim upon which relief can be granted. Thus, the Board is the proper respondent in this petition for review.

Accordingly,

IT IS ORDERED THAT:

The motion to reform the caption is granted. The revised official caption is reflected above.

FOR THE COURT

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

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