

NOTE: This order is nonprecedential.

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

HAMDY ALEX ABOU-HUSSEIN,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent.

2014-3001

Petition for review of the Merit Systems Protection Board in No. AT1221110850-W-1.

ON MOTION

O R D E R

The Department of the Navy moves to reform the caption to designate the Merit Systems Protection Board (“Board”) as the respondent in this petition.

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 petitioner’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 motion is granted. The revised official caption is reflected above.

(2) The Board's informal response brief is due 21 days from the date of this order.

(3) Abou-Hussein's motion for an extension of time to file the reply brief is denied as moot. The Board's response brief has yet to be filed. Abou-Hussein should calculate the due date for the reply brief from the date of service of the Board's response brief.

FOR THE COURT

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