

NOTE: This order is nonprecedential.

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

ALLAN F. MIDYETT,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent.

2014-3131

Petition for review of the Merit Systems Protection Board in No. DA-3330-12-0569-I-1.

ON MOTION

O R D E R

The Department of Veterans Affairs moves to reform the official caption to name the Merit Systems Protection Board (“Board”) as the proper respondent, and for a 21-day extension of time following the disposition of this motion for the Board to file its response brief.

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. We determine that the Board should be designated as the respondent.

Accordingly,

IT IS ORDERED THAT:

- (1) The motion is granted. The Board's brief shall be due within 21 days of the date of this order.
- (2) The revised official caption is reflected above.

FOR THE COURT

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