

NOTE: This order is nonprecedential.

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

VICTORIA MILLER,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent.

2014-3132

Petition for review of the Merit Systems Protection Board in No. AT3330130715-I-1.

ON MOTION

O R D E R

The United States Postal Service moves to reform the caption to designate the Merit Systems Protection Board (“Board”) as the respondent and for an extension of time for the Board to file its 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.

Here, the Board dismissed Victoria Miller's petition for failing to demonstrate that she exhausted her administrative remedies with the Department of Labor as required to establish Board jurisdiction over her claim pursuant to the Veterans Employment Opportunities Act of 1998. 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 brief is due within 21 days of the date of filing of this order.

FOR THE COURT

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