

NOTE: This disposition is nonprecedential.

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

EARNEST HOWARD,
Petitioner

v.

DEPARTMENT OF THE ARMY,
Respondent

2015-3024

Petition for review of the Merit Systems Protection Board in No. SF-0752-13-0360-I-2, SF-0752-13-1822-I-1.

JUDGMENT

DAVID PAUL CLISHAM, Clisham & Sorter, San Francisco, CA, argued for petitioner. Also represented by JUSTINE LIV CLISHAM.

JESSICA R. TOPLIN, Commercial Litigation Branch, Civil Division, United States Department of Justice, Washington, DC, argued for respondent. Also represented by BENJAMIN C. MIZER, ROBERT E. KIRSCHMAN, JR., DEBORAH A. BYNUM; MICHAEL J. RHOADES, United States Department of the Army, Scott AFB, IL.

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (PROST, *Chief Judge*, DYK and REYNA,
Circuit Judges).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

January 11, 2016
Date

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