

NOTE: This disposition is nonprecedential.

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

DAVID A. DICE,
Petitioner,

v.

DEPARTMENT OF TRANSPORTATION,
Respondent.

2012-3139

Petition for review of the Merit Systems Protection Board in No. DE4324110186-I-1.

JUDGMENT

CHARLES WILLIAMSON DAY JR., Gebhardt & Associates, LLP, of Washington, DC, argued for petitioner.

ELIZABETH ANNE SPECK, Trial Attorney, Commercial Litigation Branch, Civil Division, United States Department of Justice, of Washington, DC, argued for respondent. With her on the brief were STUART F. DELERY, Principal Deputy Assistant Attorney General, JEANNE E. DAVIDSON, Director, and REGINALD T. BLADES, Jr., Assistant Director.

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (NEWMAN, BRYSON, and DYK, *Circuit Judges*).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

April 4, 2013
Date

/s/ Jan Horbaly
Jan Horbaly
Clerk