

NOTE: This order is nonprecedential.

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

DAVID DEAN,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent,

AND

OFFICE OF PERSONNEL MANAGEMENT,
Intervenor.

2014-3026

Petition for review of the Merit Systems Protection Board in No. AT3330120696-I-1.

ON MOTION

O R D E R

The Office of Personnel Management (OPM) moves to reform the caption to name the Merit Systems Protection Board (Board) as respondent and OPM as intervenor. OPM also moves for a 21-day extension of time from the date of

filing of this order for the respondent and intervenor to file their response briefs.

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 this 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 to designate the Board as respondent and OPM as an intervenor is granted. The revised official caption is reflected above.

(2) The motion for extension of time is granted to the extent that the Board's and OPM's response briefs are due 21 days from the date of this order.

FOR THE COURT

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