

NOTE: This order is nonprecedential.

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

RADOMYSL TWARDOWSKI,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent.

2014-3177

Petition for review of the Merit Systems Protection Board in No. DE-1221-13-0272-W-1.

ON MOTION

O R D E R

The Department of the Army (“Army”) moves without opposition to reform the official caption to name the Merit Systems Protection Board (“Board”) as the respondent, and for a 21-day extension of time after this Court rules upon this motion for the Board to file its response brief.

The court notes that this case is currently closed. Pursuant to the October 7, 2014 order, if Mr. Twardowski

pays the \$500 docketing fee within 30 days of that order, then the case will be reinstated.

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 Radomysl Twardowski's petition because it determined that it does not possess jurisdiction. Thus, the Board is the proper respondent in this petition for review.

Accordingly,

IT IS ORDERED THAT:

- (1) The motion to reform the caption is granted. The revised official caption is reflected above.
- (2) The motion for an extension of time is denied as moot. The briefing schedule is stayed.

FOR THE COURT

/s/ Daniel E. O'Toole

Daniel E. O'Toole

Clerk of Court