

NOTE: This order is nonprecedential.

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

ANN MARIE DUNCAN,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent.

2014-3187

Petition for review of the Merit Systems Protection Board in No. DC-752S-14-0506-I-1.

ON MOTION

O R D E R

The Department of Homeland Security moves to reform the caption to designate the Merit Systems Protection Board (“Board”) as the respondent.

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 Ms. Duncan's petition for lack of jurisdiction. Thus, the Board is the proper respondent in this petition for review.

Accordingly,

IT IS ORDERED THAT:

The motion is granted. The revised official caption is reflected above. The Board should calculate the due date for its brief from the date of filing of this order.

FOR THE COURT

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