

NOTE: This order is nonprecedential.

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

RALPH M. MALONE,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent.

2014-3211

Petition for review of the Merit Systems Protection Board in No. DE-0831-14-0311-I-1.

ON MOTION

O R D E R

The Office of Personnel Management moves to reform the official caption to name the Merit Systems Protection Board (“Board”) as the respondent, and for an extension of time for the Board to file its response brief 21 days from the date of disposition of this motion.

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 Malone's 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 reform the caption is granted. The revised official caption is reflected above.

(2) The motion for an extension of time to file the response brief is granted to the extent that 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