

NOTE: This disposition is nonprecedential.

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

---

**MCCARTHY BARNES, JR.,**  
*Petitioner*

v.

**DEPARTMENT OF DEFENSE,**  
*Respondent*

---

2016-1754

---

Petition for review of the Merit Systems Protection Board in No. DC-0752-13-0357-M-1.

---

**JUDGMENT**

---

FREDERIC WILLARD SCHWARTZ, Law Office of Frederic W. Schwartz, Jr., Washington, DC, argued for petitioner.

RETA EMMA BEZAK, Commercial Litigation Branch, Civil Division, United States Department of Justice, Washington, DC, argued for respondent. Also represented by MARK E. PORADA, CLAUDIA BURKE, ROBERT E. KIRSCHMAN, JR., BENJAMIN C. MIZER.

---

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (O'MALLEY, BRYSON, and REYNA, *Circuit Judges*).

**AFFIRMED. See Fed. Cir. R. 36.**

ENTERED BY ORDER OF THE COURT

January 10, 2017  
Date

/s/ Peter R. Marksteiner  
Peter R. Marksteiner  
Clerk of Court