

NOTE: This order is nonprecedential.

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

MICHAEL THOMAS JOHNSON,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent,

AND

DEPARTMENT OF STATE,
Intervenor.

2011-3170

Petition for review of the Merit Systems Protection Board in case no. DC0752110323-I-1.

ON MOTION

O R D E R

The Department of State moves without opposition to reform the official caption to designate the Merit Systems Protection Board as the respondent and to permit the Department of State to intervene,

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. We determine that the Board should be designated as the respondent.

Accordingly,

IT IS ORDERED THAT:

The motion is granted. The revised official caption is reflected above.

FOR THE COURT

OCT 07 2011

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Michael Thomas Johnson
John S. Groat, Esq.
David Brooks, Esq.

s20

FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

OCT 07 2011

JAN HORBALY
CLERK