

NOTE: This order is nonprecedential.

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

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**TIMOTHY C. BENNINGTON,**  
*Petitioner,*

AND

**STEVEN R. HAYES,**  
*Petitioner,*

AND

**TIMOTHY A. HUBAL,**  
*Petitioner,*

AND

**RICHARD E. KIDWELL,**  
*Petitioner,*

AND

**CARL C. WILLIAMS,**  
*Petitioner,*

v.

**MERIT SYSTEMS PROTECTION BOARD,**  
*Respondent,*

AND

**UNITED STATES POSTAL SERVICE,**  
*Intervenor.*

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2011-3222

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Petition for review of the Merit Systems Protection Board in consolidated case nos. CH0351100110-I-1, CH0351100117-I-1, CH0351100119-I-1, CH0351100128-I-1, and CH0351100127-I-1.

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**ON MOTION**

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**O R D E R**

The United States Postal Service (USPS) moves without opposition to reform the caption to name the Merit Systems Protection Board as the respondent and to name USPS as intervenor. USPS also moves without opposition for an extension of time to file its brief.

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.

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 granted. The briefs of the USPS and Board are due within 21 days from the date of filing of this order.

BENNINGTON v. MSPB  
FOR THE COURT

JAN 17 2012

Date

/s/ Jan Horbaly  
Jan Horbaly  
Clerk

cc: Carl C. Williams  
Richard E. Kidwell  
Steven R. Hayes  
Timothy A. Hubal  
Timothy C. Bennington  
Michael S. Macko, Esq.  
Keisha Dawn Bell, Esq.

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

JAN 17 2012

JAN HORBALY  
CLERK

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