

NOTE: This disposition is nonprecedential.

United States Court of Appeals for the Federal Circuit

2008-3064

DARRYL P. MITCHELL,

Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,

Respondent,

and

UNITED STATES POSTAL SERVICE,

Intervenor.

Steven J. Plotkin, Law Office of Steven J. Plotkin, of Evanston, Illinois, argued for petitioner.

Jeffrey A. Gauger, Attorney, Office of General Counsel, Merit Systems Protection Board, of Washington, DC, argued for respondent. With him on the brief were B. Chad Bungard, General Counsel, and Stephanie M. Conley, Acting Assistant General Counsel for Litigation.

Allison Kidd-Miller, Trial Attorney, Commercial Litigation Branch, Civil Division, United States Department of Justice, of Washington, DC, argued for intervenor. With her on the brief were Gregory G. Katsas, Acting Assistant Attorney General, Jeanne E. Davidson, Director, and Todd M. Hughes, Deputy Director. Of counsel on the brief was Teresa A. Gonsalves, Appellate Counsel, United States Postal Service, of Washington, DC.

Appealed from: Merit Systems Protection Board

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Judgment

ON APPEAL from the Merit systems Protection Board

in CASE NO(S) CH0752070205-I-1.

This CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

Per Curiam (BRYSON, LINN, and PROST, Circuit Judges.)

AFFIRMED. See Fed. Cir. R.36

ENTERED BY ORDER OF THE COURT

DATED: October 9, 2008

/ s / Jan Horbaly
Jan Horbaly, Clerk