

NOTE: This disposition is nonprecedential.

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

STANLEY J. MILLER,
Petitioner,

v.

DEPARTMENT OF HOMELAND SECURITY,
Respondent.

2010-3120

Appeal from the Merit Systems Protection Board in
No. DC1221080274-B-1.

JUDGMENT

R. SCOTT OSWALD, The Employment Law Group, P.C.,
of Washington, DC, argued for petitioner. With him on
the brief was NICHOLAS WOODFIELD.

SCOTT D. AUSTIN, Senior Trial Counsel, Commercial
Litigation Branch, Civil Division, United States
Department of Justice, of Washington, DC, argued for
respondent. With him on the brief were TONY WEST,
Assistant Attorney General, JEANNE E. DAVIDSON,
Director, and REGINALD T. BLADES, JR., Assistant
Director.

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (RADER, *Chief Judge*, NEWMAN and DYK,
Circuit Judges).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

February 10, 2010
Date

/s/ Jan Horbaly
Jan Horbaly
Clerk