

NOTE: This disposition is nonprecedential.

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

BRUCE SWINFORD,
Petitioner,

v.

DEPARTMENT OF TRANSPORTATION,
Respondent.

2010-3025

Appeal from the Merit Systems Protection Board in
DC1221070032-B-2.

JUDGMENT

JAY P. HOLLAND, Joseph, Greenwald & Laake, PA, Greenbelt, Maryland, argued for petitioner. With him on the brief was PUJA GUPTA.

JANE W. VANNEMAN, Senior Trial Attorney, Commercial Litigation Branch, Civil Division, United States Department of Justice, of Washington, DC, argued for respondent. With her on the brief were TONY WEST, Assistant Attorney General, JEANNE E. DAVIDSON, Director, and TODD M. HUGHES, Deputy Director.

Of counsel on the brief was WILLIAM WINNE, Attorney Advisor, Office of Chief Counsel, Federal Highway Administration, United States Department of Transportation, of Washington, DC.

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (LOURIE, CLEVINGER, and MOORE, *Circuit Judges*).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

December 14, 2010
Date

/s/ Jan Horbaly
Jan Horbaly
Clerk