

NOTE: This disposition is nonprecedential.

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

JON C. MESSENGER,
Petitioner.

v.

DEPARTMENT OF LABOR,
Respondent.

2012-3016

Petition for review of the Merit Systems Protection Board in No. DC352C080748-A-1.

JUDGMENT

PETER B. BROIDA, of Arlington, Virginia, argued for petitioner.

RENEE GERBER, 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 HAROLD D. LESTER, JR., Assistant Director.

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (LINN, MOORE, and O'MALLEY, *Circuit Judges*).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

June 13, 2012
Date

/s/ Jan Horbaly
Jan Horbaly
Clerk