

NOTE: This disposition is nonprecedential.

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

**BRIAN E. ULRICH, MICHAEL E. JONES,
JOHN B. RUBINSKY, JOHN A. DUKES, JR.,
JOHN EVANGELISTA AND GERALD WIMBERLY,**
Petitioners,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent,

AND

UNITED STATES POSTAL SERVICE,
Intervenor.

2012-3035

Appeal from the Merit Systems Protection Board in consolidated case nos. PH0752100649-I-1, PH0351110034-I-1, PH0351110035-I-1, PH0752110036-I-1, PH0752110037-I-1, and SF0752110079-I-1.

JUDGMENT

DENNIS L. FRIEDMAN, of Philadelphia, Pennsylvania, argued for petitioners.

JEFFREY A. GAUGER, Attorney, Office of the General Counsel, Merit Systems Protection Board, argued for respondent. With him on the brief were JAMES M. EISENMANN, General Counsel, and KEISHA DAWN BELL, Deputy General Counsel.

L. MISHA PREHEIM, Trial Attorney, Commercial Litigation Branch, Civil Division, United States Department of Justice, Washington, DC, argued for intervenor. With her on the brief were STUART F. DELERY, Acting Assistant Attorney General, JEANNE E. DAVIDSON, Director, REGINALD T. BLADES, JR., Assistant Director. Of counsel was SHAYLA MCGEE SIPP.

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

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

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

January 15, 2013
Date

/s/ Jan Horbaly
Jan Horbaly
Clerk