

NOTE: This order is nonprecedential.

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

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**JAMES H. TARR,**  
*Petitioner,*

v.

**MERIT SYSTEMS PROTECTION BOARD,**  
*Respondent.*

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2011-3208

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Petition for review of the Merit Systems Protection Board in case no. DE315H090407-B-1.

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**ON MOTION**

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**O R D E R**

The Department of Veterans Affairs moves to reform the official caption to designate the Merit Systems Protection Board as the respondent and for an extension of time for the Board to file its brief.

Pursuant to 5 U.S.C. § 7703(a)(2), the Board is designated as the respondent when the Board's decision concerns the procedure or jurisdiction of the Board. The employing agency is designated as the respondent when the Board reaches the merits of the underlying case. We

determine that the Board should be designated as the respondent.

Accordingly,

IT IS ORDERED THAT:

(1) The motions are granted. The revised official caption is reflected above.

(2) The Board's brief is due within 21 days of the date of filing of this order.

FOR THE COURT

NOV 04 2011

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: James A. Tarr

Russell J. Upton, Esq.

David S. Brooks, Esq. (Copy of Petitioner's Informal Brief Enclosed)

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**FILED**  
U.S. COURT OF APPEALS FOR  
THE FEDERAL CIRCUIT

NOV 04 2011

JAN HORBALY  
CLERK