

NOTE: This disposition is nonprecedential.

## United States Court of Appeals for the Federal Circuit

2006-3159, 2008-3060

CHRISTIAN M. DEJOHN,

Petitioner,

v.

DEPARTMENT OF THE ARMY,

Respondent.

Andrea L. D'Ambra, Drinker Biddle & Reath LLP, of Philadelphia, Pennsylvania, argued for petitioner. With her on the brief were Jeffrey M. Boerger and Michael J. Burg. Of counsel was Brian T. Guthrie.

Todd M. Hughes, Deputy Director, Commercial Litigation Branch, Civil Division, United States Department of Justice, of Washington, DC, argued for respondent. With him on the brief was Gregory G. Katsas, Assistant Attorney General, Jeanne E. Davidson, Director, Donald E. Kinner, Assistant Director, and James W. Poirier, Trial Attorney. Of counsel on the brief were Thomas G. Kane, Installation Legal Officer, United States Department of the Army, of Carlisle, Pennsylvania, Kerry B. McTigue, General Counsel, Steven E. Abow, Assistant Counsel, and Risa B. Cherry, Attorney-Advisor, Office of Personnel Management, of Washington, DC.

George E. Quillin, Foley & Lardner LLP, of Washington, DC, for Amicus Curiae Disabled American Veterans. With him on the brief was Mary M. Calkins.

Salvatore P. Tamburo, Dickstein Shapiro LLP, of Washington, DC, for Amicus Curiae the American Legion, et al. With him on the brief was Steven M. War. Of counsel on the brief were Margaret C. Bartley, National Veterans Legal Services, of Washington, DC, and Philip B. Onderdonk, Jr., The American Legion, Indianapolis, Indiana.

Appealed from: Merit Systems Protection Board

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## Judgment

ON APPEAL from the Merit Systems Protection Board  
in CASE NO(S). PH3443050291-I-1 and PH3443060336-I-1.

This CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

Per Curiam (LOURIE, RADER, and PROST, Circuit Judges).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

DATED November 10, 2008

/s/ Jan Horbaly  
Jan Horbaly, Clerk