

NOTE: This disposition is nonprecedential.

United States Court of Appeals for the Federal Circuit

2008-3312

KEVIN T. DELANEY,

Petitioner,

v.

DEPARTMENT OF TRANSPORTATION,

Respondent.

David S. Feather, Law Offices of David S. Feather, of Garden City, New York, argued for petitioner.

Elizabeth A. Speck, Trial Attorney, Commercial Litigation Branch, Civil Division, United States Department of Justice, of Washington, DC, argued for respondent. With her on the brief were Gregory G. Katsas, Assistant Attorney General, Jeanne E. Davidson, Director, and Deborah A. Bynum, Assistant Director. Of counsel was Michael J. Dierberg, Trial Attorney.

Appealed from: Merit Systems Protection Board

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DEPARTMENT OF TRANSPORTATION,

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Judgment

ON APPEAL from the Merit Systems Protection Board

in CASE NO(S). NY0752070128-I-1.

This CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

Per Curiam (MAYER, PLAGER, and BRYSON, Circuit Judges)

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

DATED April 3, 2009

/s/ Jan Horbaly
Jan Horbaly, Clerk