

NOTE: This disposition is nonprecedential.

United States Court of Appeals for the Federal Circuit

2008-3358

JOHN F. GARD,

Petitioner,

v.

DEPARTMENT OF EDUCATION,

Respondent.

James L. Fuchs, Snider & Associates, LLC, of Baltimore, Maryland, argued for petitioner.

Tara K. Hogan, Trial Attorney, Commercial Litigation Branch, Civil Division, United States Department of Justice, of Washington, DC, argued for respondent. With her on the brief were Michael F. Hertz, Acting Assistant Attorney General, Jeanne E. Davidson, Director, and Todd M. Hughes, Deputy Director.

Appealed from: Merit Systems Protection Board

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DEPARTMENT OF EDUCATION,

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Judgment

ON APPEAL from the Merit Systems Protection Board

in CASE NO(S). DC1221050518-W-4 and DC1221060764-W-2

This CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

Per Curiam (LOURIE and RADER, Circuit Judges, and CLARK, District Judge).*

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

DATED August 6, 2009

/s/ Jan Horbaly
Jan Horbaly, Clerk

*Honorable Ron Clark, District Judge, United States District Court for the Eastern District of Texas, sitting by designation.