

Note: This disposition is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-3138

DONALD J.A. KENNEDY,

Petitioner,

v.

DEPARTMENT OF THE AIR FORCE,

Respondent.

Ariel E. Solomon, Tully Rinckey, P.L.L.C., of Albany, New York, argued for petitioner. On the brief was Greg T. Rinckey.

David F. D'Alessandris, Trial Attorney, Commercial Litigation Branch, Civil Division, United States Department of Justice, of Washington, DC, argued for respondent. With him on the brief were Tony West, Assistant Attorney General, Jeanne E. Davidson, Director, and Kirk T. Manhardt, Assistant Director.

Appealed from: Merit Systems Protection Board

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Judgment

ON APPEAL from the Merit Systems Protection Board

In CASE NO(S). CH3443050393-A-1.

This CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

Per Curiam (RADER, ARCHER, and LINN, Circuit Judges).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

DATED December 10, 2009

/s/ Jan Horbaly
Jan Horbaly, Clerk