

NOTE: This disposition is nonprecedential.

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

RICHARD A. MCGEE,
Petitioner,

v.

DEPARTMENT OF THE AIR FORCE,
Respondent.

2009-3263

Appeal from the Merit Systems Protection Board in
No. CH0752080403-I-1.

JUDGMENT

LAWRENCE J. FLEMING, Herzog Crebs, of St. Louis,
Missouri, argued for petitioner.

RENEE GERBER, Trial Attorney, Commercial Litigation
Branch, Civil Division, United States Department of
Justice, of Washington, DC, argued for respondent. With
her on the brief were TONY WEST, Assistant Attorney
General, JEANNE E. DAVIDSON, Director, and DONALD E.
KINNER, Assistant Director.

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (RADER, *Chief Judge*, PROST and MOORE,
Circuit Judges).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

October 12, 2011

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk