

NOTE: This order is nonprecedential.

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

JOSEPH A. O'DONNELL,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent.

2014-3020

Petition for review of the Merit Systems Protection Board in No. CH1221120436-W-1.

ON MOTION

O R D E R

The Department of Agriculture moves to reform the official caption to name the Merit Systems Protection Board (“Board”) as the proper respondent.

Pursuant to 5 U.S.C. § 7703(a)(2), the Board is designated as the respondent when the Board's decision concerns the procedure or jurisdiction of the Board. The employing agency is designated as the respondent when the Board reaches the merits of the underlying case. Here, the

Board dismissed O'Donnell's appeal for lack of jurisdiction. Thus, the Board is the proper respondent in this petition for review.

Accordingly,

IT IS ORDERED THAT:

The motion to reform the caption is granted. The revised official caption is reflected above. The Board shall calculate its brief due date from the date of filing of this order.

FOR THE COURT

/s/ Daniel E. O'Toole
Daniel E. O'Toole
Clerk of Court