

NOTE: This order is nonprecedential.

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

DONNA J. DEEM,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent.

2014-3037

Petition for review of the Merit Systems Protection Board in No. SF0752120777-I-1.

ON MOTION

O R D E R

The Department of Homeland Security 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 Donna Deem's appeal for lack of jurisdiction. Thus, the Board is the proper respondent in this petition for review.

Accordingly,

IT IS ORDERED THAT:

(1) The motion to reform the caption is granted. The revised official caption is reflected above.

(2) The Board's informal response brief is due within 21 days from the date of filing of this order.

FOR THE COURT

/s/ Daniel E. O'Toole

Daniel E. O'Toole

Clerk of Court