

NOTE: This order is nonprecedential.

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

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**DARIN A. JONES,**  
*Petitioner,*

v.

**MERIT SYSTEMS PROTECTION BOARD,**  
*Respondent,*

AND

**DEPARTMENT OF JUSTICE,**  
*Intervenor.*

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2014-3050

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Petition for review of the Merit Systems Protection Board in No. DC-3151-12-0847-I-1.

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**ON MOTION**

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**O R D E R**

The Department of Justice (“Department”) moves without opposition to reform the official caption to name the Merit Systems Protection Board (“Board”) as the proper respondent. The Department also moves for leave to participate as an intervenor and for an extension of

time to file the informal response briefs. Darin A. Jones opposes those motions.

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 Jones'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 motions to reform the caption and allow the Department to intervene are granted. The revised official caption is reflected above.

(2) The Board's and Department's informal response briefs are 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