

NOTE: This order is nonprecedential.

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

RONALD NEAL BATDORF,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent.

2014-3080

Petition for review of the Merit Systems Protection Board in No. DC-0752-11-0461-I-1.

ON MOTION

O R D E R

The Department of Defense moves without opposition 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 Ronald Neal Batdorf'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 should calculate the due date for its response brief from the date of filing of this order.

FOR THE COURT

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