

NOTE: This disposition is nonprecedential.

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

THOMAS C. SMITH,
Petitioner

v.

DEPARTMENT OF HOMELAND SECURITY,
Respondent

2015-3065

Petition for review of the Merit Systems Protection Board in No. PH-0752-12-0506-I-2.

JUDGMENT

DENNIS L. FRIEDMAN, Philadelphia, PA, argued for petitioner.

ALBERT S. IAROSI, Commercial Litigation Branch, Civil Division, United States Department of Justice, Washington, DC, argued for respondent. Also represented by FRANKLIN E. WHITE, JR., ROBERT E. KIRSCHMAN, JR., BENJAMIN C. MIZER.

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (LOURIE, DYK, and HUGHES, *Circuit Judges*).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

January 8, 2016
Date

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