

NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

2009-3118

OLIVIA E. HARRIS,

Petitioner,

v.

DEPARTMENT OF VETERANS AFFAIRS,

Respondent.

Petition for review of the Merit Systems Protection Board in CH0752090135-I-1.

Before MOORE, Circuit Judge.

ORDER

The Merit Systems Protection Board informs the court that Harris has filed a petition for review by the full Board of the administrative judge's initial decision.

The administrative judge issued his decision on January 6, 2009, dismissing the appeal as untimely filed. Harris filed a timely petition for review of the administrative judge's decision with this court and a petition for review with the Board which remains pending.

Harris may not simultaneously proceed in both fora. Therefore, if she wishes for her case to proceed in the court, she must dismiss her Board petition.

Accordingly,

IT IS ORDERED THAT:

If Harris does not notify the court that she has dismissed her petition for review before the Board within 30 days of the date of filing of this order, this petition will be dismissed.

FOR THE COURT

MAR 20 2009

Date

/s/ Jan Horbaly
Jan Horbaly
Clerk

FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

cc: Olivia E. Harris
John S. Groat, Esq.

MAR 20 2009

s20

JAN HORBALY
CLERK