

NOTE: This order is nonprecedential.

# United States Court of Appeals for the Federal Circuit

2009-3297

PATRICIA SCHOEMAN,

Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,

Respondent,

and

OFFICE OF PERSONNEL MANAGEMENT,

Intervenor.

Petition for review of the Merit Systems Protection Board  
in AT0831090378-I-1.

ON MOTION

ORDER

The Office of Personnel Management moves without opposition to reform the official caption to designate the Merit Systems Protection Board as the respondent and to allow the Office of Personnel Management to intervene.

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 deciding agency is designated as the respondent when the Board reaches the merits of the underlying case. In this case, the Board dismissed the appeal for lack of jurisdiction.

Accordingly,

IT IS ORDERED THAT:

- (1) The motions are granted. The revised official caption is reflected above.
- (2) The respondent and intervenor should calculate their brief due date from the date of service of the petitioner's opening brief.
- (3) Patricia Schoeman is directed to file a Fed. Cir. R. 15(c) statement concerning discrimination within 14 days of the date of filing of this order or the petition will be dismissed.

FOR THE COURT

NOV 30 2009

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

cc: David U. Fierst, Esq.  
Jane W. Vanneman, Esq.  
Stephanie Conley, Esq.

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

**NOV 30 2009**

**JAN HORBALY**  
**CLERK**