

NOTE: This order is nonprecedential.

# United States Court of Appeals for the Federal Circuit

2010-3045

TERRY L. KENNINGTON,

Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,

Respondent.

Petition for review of the Merit Systems Protection Board in  
DE315H090428-I-1.

ON MOTION

ORDER

The Department of the Treasury moves without opposition to reform the caption to name the Merit Systems Protection Board as 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.

Accordingly,

IT IS ORDERED THAT:

- (1) The motion is granted. The revised official caption is reflected above.
- (2) The Board should calculate its brief due date from the date of filing of this

order.

FOR THE COURT

MAR 10 2010

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

cc: Terry L. Kennington  
Austin M. Fulk, Esq.  
Mark Syska, Esq. (copy of petitioner's informal brief enclosed)

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

MAR 10 2010

JAN HORBALY  
CLERK