

NOTE: This order is nonprecedential.

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

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**JASON LEICHTMAN,**  
*Petitioner,*

v.

**DEPARTMENT OF JUSTICE,**  
*Respondent.*

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2010-3174

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Petition for review of an arbitrator's decision in FMCS case no. 09-00539 by Robert Hoffman.

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Before LOURIE, MAYER, and DYK, *Circuit Judges.*  
DYK, *Circuit Judge.*

**ORDER**

The Department of Justice moves to waive the requirements of Fed. Cir. R. 27(f) and to dismiss Jason Leichtman's petition for review for lack of jurisdiction. Leichtman moves to reform the official caption.

The Federal Bureau of Prisons suspended Leichtman for three days from his position as a corrections officer for on-duty and off-duty conduct. Leichtman challenged his suspension through the Federal Mediation and Conciliation Service under the negotiated grievance procedure.

The arbitrator rescinded Leichtman's suspension but denied his claim for attorney fees. Leichtman petitioned this court for review.

This court's jurisdiction to review arbitrator's decisions is limited to matters that fall within the provisions of 5 U.S.C. § 4303 and § 7512. 5 U.S.C. § 7121. Leichtman's three-day suspension and related attorney fees claim are not covered under § 7512 or § 4303. Therefore, Leichtman may not seek review of the arbitrator's decision in this court.

Accordingly,

IT IS ORDERED THAT:

- (1) The motion to reform the caption is denied.
- (2) The Department's motions are granted. The petition for review is dismissed for lack of jurisdiction.
- (3) Each side shall bear its own costs.

FOR THE COURT

DEC 08 2010

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

cc: Lilliam Mendoza-Toro, Esq.  
Jacob A. Schunk, Esq.

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

DEC 08 2010

JAN HORBALY  
CLERK