

NOTE: This order is nonprecedential.

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

SUSAN G. ROY,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent,

AND

DEPARTMENT OF JUSTICE,
Intervenor.

2011-3107

Petition for review of the Merit Systems Protection Board in case no. NY0752100199-I-1.

ON MOTION

O R D E R

The Department of Justice moves without opposition to reform the official caption to designate the Merit Systems Protection Board as the respondent and to permit the Department 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 employing agency is designated as the respondent when the Board reaches the merits of the underlying case. We determine that the Board should be designated as the respondent and that the Department should be allowed to intervene.

Accordingly,

IT IS ORDERED THAT:

The motions are granted. The revised official caption is reflected above.

FOR THE COURT

JUN 02 2011

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Thomas G. Roth, Esq.
Michael P. Goodman, Esq.
Calvin Morrow, Esq.

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

JUN 02 2011

JAN HORBALY
CLERK