

NOTE: This order is nonprecedential.

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

MAYLASAATHI TILLACKDHARRY,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent.

2011-3176

Petition for review of the Merit Systems Protection Board in case no. PH0752100419-I-1.

ON MOTION

O R D E R

The petitioner submits an incomplete Fed. Cir. R. 15(c) statement. The Department of the State moves to reform the official caption to designate the Merit Systems Protection Board as the respondent.

The petitioner states that she is unable to complete the statement. We note that the Board dismissed her appeal for lack of jurisdiction and did not address her discrimination claims. Thus, she should have checked statement option 3, that her petition seeks review only of

the dismissal. See *Synan v. Merit Sys. Prot. Bd.*, 765 F.2d 1099 (Fed. Cir. 1985) (Federal Circuit has jurisdiction to review Board's dismissal of appeal, when Board did not address discrimination claims on the merits due to lack of jurisdiction). The statement is required to inform this court whether the petition involves discrimination issues (in which case this court would not have jurisdiction). In this petition there were no discrimination issues decided by the Board, and thus we waive the requirement that she complete the form.

Upon consideration thereof,

IT IS ORDERED THAT:

(1) The requirement that petitioner complete a Fed. Cir. R. 15(c) statement is waived. Statement 3 of that form applies because the petitioner seeks review of the Board's dismissal of her appeal.

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

FOR THE COURT

SEP 15 2011

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: MaylaSaathi Tillackdharry
A. Bondurant Eley, Esq.

Earl Sanders, Esq. (copy of petitioner's informal brief enclosed)

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

SEP 15 2011

JAN HORBALY
CLERK