

NOTE: This order is nonprecedential.

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

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**NATHANIEL COOPER,**  
*Petitioner,*

v.

**MERIT SYSTEMS PROTECTION BOARD,**  
*Respondent.*

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2011-3240

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Petition for review of the Merit Systems Protection Board in case no. DC1221110320-W-1.

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**ON MOTION**

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**O R D E R**

The Department of the Army moves to reform the official caption to designate the Merit Systems Protection Board as the 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. We

determine that the Board should be designated as the respondent.

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

DEC 09 2011

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Nathaniel Cooper

Matthew F. Scarlato, Esq.

Lindsey Schreckengost, Esq. (Copy of Petitioner's Informal Brief Enclosed)

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

DEC 09 2011

JAN HORBALY  
CLERK