

NOTE: This order is nonprecedential.

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

REGINALD HILL,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent.

2012-3024

Petition for review of the Merit Systems Protection Board in case no. AT3330110408-I-1.

ON MOTION

O R D E R

The Department of Veterans Affairs moves without opposition to recaption to name the Merit Systems Protection Board as respondent. Also, the Merit Systems Protection Board moves for an extension of time to file its brief.

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. Here, the Board dismissed Hill's appeal for lack of jurisdiction. Thus, the Board is the proper respondent in this petition for review.

Accordingly,

IT IS ORDERED THAT:

The 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

FEB 09 2012

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Reginald Hill
Kenneth D. Woodrow, Esq.
Katherine Smith, Esq. (Copy of Informal Brief En-
closed)

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

FEB 09 2012

JAN HORBALY
CLERK