

NOTE: This order is nonprecedential.

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

**BRIAN E. ULRICH, MICHAEL E. JONES,
JOHN B. RUBINSKY, JOHN A. DUKES, JR.,
JOHN EVANGELISTA AND GERALD WIMBERLY,**
Petitioners,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent,

AND

UNITED STATES POSTAL SERVICE,
Intervenor.

2012-3035

Petition for review of the Merit Systems Protection Board in consolidated case nos. PH0752100649-I-1, PH0351110034-I-1, PH0351110035-I-1, PH0752110036-I-1, PH0752110037-I-1, and SF0752110079-I-1.

ON MOTION

O R D E R

The United States Postal Service (USPS) moves without opposition to reform the caption to name the Merit Systems Protection Board as respondent and the USPS as intervenor. USPS also moves without opposition to set the briefing schedule.

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 these consolidated appeals for lack of jurisdiction. Thus, the Board is the proper respondent in this petition for review.

Accordingly,

IT IS ORDERED THAT:

The motions are granted. The revised official caption is reflected above. The Board's and USPS's briefs are due within 40 days of the date of service of the petitioners' opening brief.

FOR THE COURT

APR 25 2012

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Dennis L. Friedman, Esq.
L. Misha Preheim, Esq.
Jeffrey Gauger, Esq.

s21

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

APR 25 2012

JAN HORBALY
CLERK