

NOTE: This order is nonprecedential.

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

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**HOWARD WESLEY MATCHETT, JR.,**  
*Petitioner,*

v.

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

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2012-3060

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Petition for review of the Merit Systems Protection Board in case no. PH315H110319-I-1.

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**ON MOTION**

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**O R D E R**

The Department of the Air Force (Air Force) moves to recaption to name the Merit Systems Protection Board (Board) as respondent. Howard Wesley Matchett, Jr. (Matchett) opposes.

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 Matchett'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.

FOR THE COURT

MAR 02 2012

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk

cc: Howard Wesley Matchett, Jr.  
Jane C. Dempsey, Esq.  
Nicole DeCrescenzo, Esq.

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

**MAR 02 2012**

**JAN HORBALY  
CLERK**