

NOTE: This order is nonprecedential.

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

DARLENE M. CROAL-MANUEL,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent.

2012-3070

Petition for review of the Merit Systems Protection Board in case no. AT0752110612-I-1.

ON MOTION

O R D E R

The Department of Transportation moves to recaption to name the Merit Systems Protection Board as respondent, and for a 21-day extension of time for the Board to file its informal response brief from the date of filing of this court's order. Croal-Manuel does not consent.

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 Croal-Manuel's appeal 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 should calculate its brief due date from the date of filing of this order.

FOR THE COURT

APR 06 2012

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Darlene M. Croal-Manuel
Joshua A. Mandlebaum, Esq.
Calvin Morrow, Esq. (Informal Brief Of Petitioner Enclosed)

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

APR 06 2012

JAN HORBALY
CLERK