NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

JERONE GALLOWAY,
Petitioner,

v.

MERIT SYSTEMS PROTECTION BOARD,
Respondent.

2012-3203

Petition for review of the Merit Systems Protection Board in case no. DC300A110607-I-1.

ON MOTION

ORDER

The Department of Homeland Security moves to reform the caption to name the Merit Systems Protection Board as proper 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. Here, the Board

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

Accordingly,

IT IS ORDERED THAT:

(1) The motion is granted. The revised official caption is reflected above.

(2) The Board's brief is due within 21 days from the date of filing of this order.

FOR THE COURT

/s/ Jan Horbaly
Jan Horbaly
Clerk

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