

Note: This disposition is nonprecedential.

## United States Court of Appeals for the Federal Circuit

2008-3149

GARY W. UPSHAW,

Petitioner,

v.

DEPARTMENT OF HOMELAND SECURITY,

Respondent.

Morris E. Fischer, of Bethesda, Maryland, argued for petitioner.

Anthony W. Moses, Trial Attorney, Commercial Litigation Branch, Civil Division, United States Department of Justice, of Washington, DC, argued for respondent. With him on the brief were Gregory G. Katsas, Assistant Attorney General, Jeanne E. Davidson, Director, and Kirk T. Manhardt, Assistant Director. Of counsel was David M. Hibey, Trial Attorney.

Appealed from: Arbitrator's Decision

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## Judgment

ON APPEAL from the Arbitrator's decision

in CASE NO(S). FMCS 070509-02934-1

This CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

Per Curiam (LOURIE, RADER, and LINN, Circuit Judges).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

DATED December 5, 2008

/s/ Jan Horbaly  
Jan Horbaly, Clerk