

NOTE: This disposition is nonprecedential.

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

ELOY J. HERNANDEZ,
Petitioner,

v.

DEPARTMENT OF DEFENSE,
Respondent.

2011-3060

Appeal from the Merit Systems Protection Board in
No. DA3443060531-X-1.

JUDGMENT

ARTHUR G. VEGA, Law Office of Arthur G. Vega, of
San Antonio, Texas, argued for petitioner.

GREGG M. SCHWIND, Senior Trial Counsel,
Commercial Litigation Branch, United States Department
of Justice, of Washington, DC, argued for respondent.
With him on the brief were TONY WEST, Assistant
Attorney General, JEANNE E. DAVIDSON, Director, and
KIRK T. MANHARDT, Assistant Director.

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (LOURIE, O'MALLEY, and REYNA, *Circuit Judges*).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

January 13, 2012
Date

/s/ Jan Horbaly
Jan Horbaly
Clerk