

NOTE: This disposition is nonprecedential.

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

DAVID R. MARSHALL,
Claimant-Appellant,

v.

**ERIC K. SHINSEKI, SECRETARY OF VETERANS
AFFAIRS,**
Respondent-Appellee.

2011-7027

Appeal from the United States Court of Appeals for
Veterans Claims in No. 09-48, Chief Judge Bruce E.
Kasold.

JUDGMENT

KENNETH M. CARPENTER, Carpenter Chartered, of
Topeka, Kansas, argued for claimant-appellant.

STEVEN M. MAGER, Trial Attorney, Commercial
Litigation Branch, Civil Division, United States
Department of Justice, of Washington, DC, argued for
respondent-appellee. With him on the brief were TONY
WEST, Assistant Attorney General, JEANNE E. DAVIDSON,
Director, and MARTIN F. HOCKEY, JR., Assistant Director.
Of counsel on the brief was MICHAEL J. TIMINSKI, Deputy
Assistant General Counsel, United States Department of
Veterans Affairs, of Washington, DC.

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (RADER, *Chief Judge*, PLAGER and DYK,
Circuit Judges).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

November 10, 2011
Date

/s/ Jan Horbaly
Jan Horbaly
Clerk