

NOTE: This disposition is nonprecedential.

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

LEROY B. MACKLEM,
Claimant-Appellee,

v.

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

2011-7034

Appeal from the United States Court of Appeals for
Veterans Claims in No. 08-1409, Judge Alan G. Lance, Sr.

JUDGMENT

DREW C. ENSIGN, Latham & Watkins, LLP, of Washington, DC, argued for the claimant-appellee. With him on the brief were LORI ALVINO MCGILL and CHRISTOPHER K. GRIECO. Of counsel on the brief was MICHAEL R. VITERNA, Law Office of Michael R. Viterna, of Belleville, Michigan.

TARA K. HOGAN, Trial Attorney, Commercial Litigation Branch, Civil Division, United States Department of Justice, of Washington, DC, argued for respondent-appellant. With her on the brief were TONY WEST, Assistant Attorney General, JEANNE E. DAVIDSON, Director, and TODD M. HUGHES, Deputy Director. Of counsel on the brief were DAVID R. MCLENACHEN, Deputy Assistant General Counsel and MARTIE S. ADELMAN, Attorney, United States Department of Veteran Affairs, of Washington, DC.

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (RADER, *Chief Judge*, NEWMAN and O'MALLEY, *Circuit Judges*).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

January 11, 2012
Date

/s/ Jan Horbaly
Jan Horbaly
Clerk