

NOTE: This disposition is nonprecedential.

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

HONOR B. COLE,
Claimant-Appellant,

v.

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

2011-7082

Appeal from the United States Court of Appeals for
Veterans Claims in No. 09-0391, Judge Robert N. Davis.

JUDGMENT

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

JOHN J. TODOR, 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. Of counsel was Y.
KEN LEE, Attorney.

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

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

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

February 9, 2012
Date

/s/ Jan Horbaly
Jan Horbaly
Clerk