

NOTE: This disposition is nonprecedential.

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

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**FREDDIE BUTTS, MARVIN O. JOHNSON,**  
*Claimants-Appellees*

v.

**ROBERT WILKIE, ACTING SECRETARY OF  
VETERANS AFFAIRS,**  
*Respondent-Appellant*

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2017-1058, 2017-1509

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Appeals from the United States Court of Appeals for  
Veterans Claims in Nos. 10-1785, 14-3019, Senior Judge  
Lawrence B. Hagel, Chief Judge Robert N. Davis.

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**JUDGMENT**

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ZACHARY STOLZ, Chisholm Chisholm & Kilpatrick,  
Providence, RI, argued for claimant-appellee Freddie  
Butts. Also represented by MEGAN MARIE ELLIS,  
JENNA ZELLMER; BARBARA J. COOK, Cincinnati, OH.

KENNETH M. CARPENTER, Law Offices of Carpenter  
Chartered, Topeka, KS, argued for claimant-appellee  
Marvin O. Johnson.

AMANDA TANTUM, Commercial Litigation Branch, Civil Division, United States Department of Justice, Washington, DC, argued for respondent-appellant. Also represented by CHAD A. READLER, ROBERT E. KIRSCHMAN, JR., L. MISHA PREHEIM; Y. KEN LEE, BRANDON A. JONAS, Office of General Counsel, United States Department of Veterans Affairs, Washington, DC.

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THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (MOORE, WALLACH, and CHEN, *Circuit Judges*).

**AFFIRMED. See Fed. Cir. R. 36.**

ENTERED BY ORDER OF THE COURT

May 7, 2018  
Date

/s/ Peter R. Marksteiner  
Peter R. Marksteiner  
Clerk of Court