

NOTE: This disposition is nonprecedential.

## United States Court of Appeals for the Federal Circuit

2007-7111

JIMMY R. BROXTON,

Claimant-Appellant,

v.

R. JAMES NICHOLSON, Secretary of Veterans Affairs,

Respondent-Appellee

Kenneth M. Carpenter, Carpenter, Chartered, of Topeka, Kansas, argued for claimant-appellant. Of counsel was Mark R. Lippman, The Veterans Law Group, of La Jolla, California.

Ronald G. Morgan, Attorney, Commercial Litigation Branch, Civil Division, United States Department of Justice, of Washington, DC, for respondent-appellee. With him on the brief were Peter D. Keisler, Assistant Attorney General, Jeanne E. Davidson, Director, and Brian M. Simkin, Assistant Director. Of counsel on the brief were Michael J. Timinski, Deputy Assistant General Counsel, and Ethan G. Kalett, Attorney, United States Department of Veterans Affairs, of Washington, DC.

Appealed from: United States Court of Appeals for Veterans Claims

Judge Robert N. Davis

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R. JAMES NICHOLSON, Secretary of Veterans Affairs,

Respondent-Appellee.

### JUDGMENT

ON APPEAL from the United States Court of Appeals for Veterans Claims

In CASE NO(S). 04-2226

This CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

Per Curiam (NEWMAN, RADER, and PROST, Circuit Judges).

AFFIRMED. See Fed. Cir. R. 36

ENTERED BY ORDER OF THE COURT

DATED: August 17, 2007

/s/ Jan Horbaly  
Jan Horbaly, Clerk