

Note: This disposition is nonprecedential.

## United States Court of Appeals for the Federal Circuit

2007-7265

KEVIN W. WHITING,

Claimant-Appellant,

v.

JAMES B. PEAKE, M.D., Secretary of Veterans Affairs,

Respondent-Appellee.

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

Hillary A. Stern, Senior Trial Attorney, Commercial Litigation Branch, Civil Division, United States Department of Justice, of Washington, DC, argued for respondent-appellee. With her on the brief were Jeffrey S. Bucholtz, Acting Assistant Attorney General; Jeanne E. Davidson, Director; and Martin F. Hockey, Jr., Assistant Director.

Appealed from: United States Court of Appeals for Veterans Claims

Judge Lawrence B. Hagel

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JAMES B. PEAKE, M.D., Secretary of Veterans Affairs

Respondent-Appellee.

## Judgment

ON APPEAL from the United States Court of Appeals for Veterans Claims  
in CASE NO(S). 05-1078

This CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

Per Curiam (MICHEL, Chief Judge, PROST, Circuit Judge, and HOCHBERG\*,  
District Judge).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

DATED May 8, 2008

/s/ Jan Horbaly  
Jan Horbaly, Clerk

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\* Honorable Faith Hochberg, District Judge, United States District Court for the District of New Jersey, sitting by designation.