

NOTE: This disposition is nonprecedential.

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

JOHN F. MCBURNEY,
Claimant-Appellant,

v.

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

2010-7013

Appeal from the United States Court of Appeals for
Veterans Claims in Case No. 08-4015, Judge Robert N.
Davis.

JUDGMENT

MARK J. MCBURNEY, McBurney & McBurney, of
Pawtucket, Rhode Island, argued for claimant-appellant.

P. DAVIS OLIVER, Trial Attorney, Commercial
Litigation Branch, Civil Division, United States
Department of Justice, of Washington, DC, for
respondent-appellee. On the brief were TONY WEST,
Assistant Attorney General, JEANNE E. DAVIDSON,

Director, KIRK T. MANHARDT, Assistant Director, and MEREDYTH COHEN HAVASY, Trial Attorney. Of counsel on the brief were DAVID J. BARRANS, Deputy Assistant General Counsel, and Y. KEN LEE, Attorney, United States Veterans Affairs, of Washington, DC.

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (NEWMAN, LOURIE, and MOORE, *Circuit Judges*).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

January 24, 2011
Date

/s/ Jan Horbaly
Jan Horbaly
Clerk