

NOTE: This disposition is nonprecedential.

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

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**PHILLIP ANDRE,**  
*Claimant-Appellant,*

v.

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

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2010-7074

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Appeal from the United States Court of Appeals for  
Veterans Claims in No. 07-1109, Judge William P.  
Greene, Jr.

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**JUDGMENT**

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

ALLISON KIDD-MILLER, Senior Trial Counsel,  
Commercial Litigation Branch, Civil Division, United  
States Department of Justice, of Washington, DC, argued  
for respondent-appellee. With her 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 were MICHAEL J. TIMINSKI, Deputy Assistant General Counsel, and Y. KEN LEE, Attorney, United States Department of Veterans Affairs, of Washington, DC. Of counsel was JAMIE L. MUELLER, Attorney, United States Department of Veterans Affairs, of Washington, DC.

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THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (RADER, *Chief Judge*, MOORE and O'MALLEY, *Circuit Judges*).

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

ENTERED BY ORDER OF THE COURT

March 8, 2011  
Date

/s/ Jan Horbaly  
Jan Horbaly  
Clerk