

NOTE: This disposition is nonprecedential.

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

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**JOYCE CROSS,**  
*Claimant-Appellant,*

v.

**Eric K. Shinseki, SECRETARY OF VETERANS  
AFFAIRS,**  
*Respondent-Appellee.*

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2012-7132

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Appeal from the United States Court of Appeals for  
Veterans Claims in No. 09-3807, Judge Mary J. Schoelen.

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**JUDGMENT**

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ANDREW J. WAGHORN, of Gainesville, Virginia, argued  
for claimant-appellant.

JAMES R. SWEET, Trial Attorney, Commercial Litiga-  
tion Branch, Civil Division, United States Department of  
Justice, of Washington, DC, argued for the respondent-  
appellee. With him on the brief were STUART F. DELERY,  
Principal Deputy Assistant Attorney General, JEANNE E.  
DAVIDSON, Director, and MARTIN F. HOCKEY, JR., Assis-

tant Director. Of counsel on the brief were DAVID J. BARNES, Deputy Assistant General Counsel and LARA EILHARDT, Staff Attorney, United States Department of Veterans Affairs, of Washington, DC. Of counsel was CHRISTA A. SHRIBER, Attorney.

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THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (DYK, O'MALLEY, and WALLACH, *Circuit Judges*).

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

ENTERED BY ORDER OF THE COURT

May 10, 2013  
Date

/s/ Jan Horbaly  
Jan Horbaly  
Clerk