

NOTE: This disposition is nonprecedential.

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

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**HUGH D. COX, JR.,**  
*Claimant-Appellant*

v.

**DENIS MCDONOUGH, SECRETARY OF  
VETERANS AFFAIRS,**  
*Respondent-Appellee*

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2021-2288

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Appeal from the United States Court of Appeals for  
Veterans Claims in No. 19-3317, Judge Joseph L. Falvey  
Jr., Judge Joseph L. Toth, Judge Michael P. Allen.

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**JUDGMENT**

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KENNETH M. CARPENTER, Law Offices of Carpenter  
Chartered, Topeka, KS, argued for claimant-appellant.

BORISLAV KUSHNIR, Commercial Litigation Branch,  
Civil Division, United States Department of Justice, Wash-  
ington, DC, argued for respondent-appellee. Also repre-  
sented by BRIAN M. BOYNTON, CLAUDIA BURKE, PATRICIA M.  
MCCARTHY; JONATHAN KRISCH, CHRISTA A. SHRIBER, Office

of General Counsel, United States Department of Veterans  
Affairs, Washington, DC.

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THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (MOORE, *Chief Judge*, CLEVINGER and  
DYK, *Circuit Judges*).

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

ENTERED BY ORDER OF THE COURT

February 9, 2023  
Date

/s/ Peter R. Marksteiner  
Peter R. Marksteiner  
Clerk of Court