

**CORRECTED**

NOTE: This disposition is nonprecedential.

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

2007-7301

JOSEPH M. O'NEILL,

Claimant-Appellant,

v.

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

Respondent-Appellee.

Kenneth M. Carpenter, Attorney, 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. Of counsel on the brief were Michael J. Timinski, Deputy Assistant General Counsel, and Ethan G. Kalett, Attorney, Office of the General Counsel, United States Department of Veterans Affairs, of Washington, DC.

Appealed from: United States Court of Appeals for Veterans Claims

Chief Judge William P. Greene, Jr.

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Respondent-Appellee.

## Judgment

ON APPEAL from the United States Court of Appeals for Veterans Claims

In CASE NO(S). 04-1851.

This CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

Per Curiam (RADER, Circuit Judge, ARCHER, Senior Circuit Judge, and DYK, Circuit Judge).

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

ENTERED BY ORDER OF THE COURT

DATED: June 10, 2008

/s/ Jan Horbaly  
Jan Horbaly, Clerk