

NOTE: This disposition is nonprecedential.

United States Court of Appeals for the Federal Circuit

ELMER L. AYERS,
Claimant-Appellant,

v.

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

2011-7060

Appeal from the United States Court of Appeals for
Veterans Claims, in Case No. 08-3860, Judge Bruce E.
Kasold.

JUDGMENT

KENNETH M. CARPENTER, Carpenter, Chartered, of
Topeka, Kansas, argued for claimant-appellant. On the
brief was SEAN A. RAVIN, of Washington, DC.

ERIC P. BRUSKIN, Trial Attorney, Commercial
Litigation Branch, Civil Division, United States
Department of Justice, of Washington, DC, argued for
respondent-appellee. With him on the brief were TONY
WEST, Assistant Attorney General, JEANNE E. DAVIDSON,
Director, and FRANKLIN E. WHITE, JR., Assistant Director.
Of counsel on the brief were DAVID J. BARRANS, Deputy
Assistant General Counsel, United States Department of
Veterans Affairs, of Washington, DC.

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (NEWMAN, PROST, and REYNA, *Circuit Judges*).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

October 15, 2012

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk