

NOTE: This disposition is nonprecedential.

United States Court of Appeals for the Federal Circuit

RUSSELL W. BURTON,
Claimant-Appellant,

v.

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

2012-7011

Appeal from the United States Court of Appeals for
Veterans Claims in Case No. 09-2873, Chief Judge Bruce
E. Kasold.

JUDGMENT

SCOTT J. POPMA, Finnegan, Henderson, Farabow,
Garrett & Dunner, LLP, of Washington, DC, argued for
claimant-appellant. With him on the brief were J.
MICHAEL JAKES and RONALD L. SMITH.

ELIZABETH M. HOSFORD, Attorney, Commercial
Litigation Branch, Civil Division, United States
Department of Justice, of Washington, DC, argued for
respondent-appellee. On the brief were STUART F.
DELERY, Acting Assistant Attorney General, JEANNE E.
DAVIDSON, Director, MARTIN F. HOCKEY, JR., Assistant
Director, and TARA K. HOGAN, Attorney. Of counsel on the
brief were DAVID J. BARRANS, Deputy Assistant General
Counsel, and CHRISTA A. SHRIBER, Attorney, United
States Department of Veterans Affairs, of Washington,
DC.

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (RADER, *Chief Judge*, LOURIE, *Circuit Judge*
and DANIEL, *Chief Judge*¹).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

October 4, 2012
Date

/s/ Jan Horbaly
Jan Horbaly
Clerk

¹ Honorable Wiley Daniel, Chief Judge, United States District Court for the District of Colorado, sitting by designation.