

NOTE: This disposition is nonprecedential.

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

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**DAVID W. MCBETH,**  
*Claimant-Appellant,*

v.

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

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2012-7014

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Appeal from the United States Court of Appeals for  
Veterans Claims in No. 10-0832, Judge Lawrence B.  
Hagel.

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**JUDGMENT**

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VIRGINIA A. GIRARD-BRADY, ABS Legal Advocates,  
P.A., of Lawrence, Kansas, argued for claimant-appellant.

MATTHEW F. SCARLATO, 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 STUART  
F. DELERY, Acting Assistant Attorney General, JEANNE E.  
DAVIDSON, Director, and KIRK T. MANHARDT, Assistant  
Director. Of counsel on the brief were MICHAEL J.  
TIMINSKI, Deputy Assistant General Counsel, United  
States Department of Veterans Affairs, of Washington,  
DC.

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THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (LINN, REYNA, and WALLACH, *Circuit Judges*).

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

ENTERED BY ORDER OF THE COURT

October 10, 2012

Date

/s/ Jan Horbaly

Jan Horbaly  
Clerk