

NOTE: This disposition is nonprecedential.

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

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**ERNEST R. ELLIS, SR.,**  
*Claimant-Appellant,*

v.

**ERIC K. SHINSEKI, Secretary of Veterans Affairs,**  
*Respondent-Appellee.*

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2013-7028

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Appeal from the United States Court of Appeals for  
Veterans Claims in No. 11-0012, Judge William A. Moor-  
man.

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**JUDGMENT**

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PETER J. SEBEKOS, of Niagara Falls, New York, ar-  
gued for claimant-appellant.

TARA K. HOGAN, Trial Attorney, Commercial Litiga-  
tion Branch, Civil Division, United States Department of  
Justice, of Washington, DC, argued for respondent-  
appellee. With her on the brief were STUART F. DELERY,  
Acting Assistant Attorney General, JEANNE E. DAVIDSON,  
Director, and MARTIN F. HOCKEY, JR., Assistant Director.

Of counsel on the brief were DAVID J. BARRANS, Deputy Assistant General Counsel, and MARTIE ADELMAN, Attorney, Office of the 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 (PROST, O'MALLEY, and TARANTO, *Circuit Judges*).

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

ENTERED BY ORDER OF THE COURT

August 26, 2013  
Date

/s/ Daniel E. O'Toole  
Daniel E. O'Toole  
Clerk