

NOTE: This disposition is nonprecedential.

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

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**HENRY P. MERCIER,**  
*Claimant-Appellant,*

v.

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

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2013-7042

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Appeal from the United States Court of Appeals for  
Veterans Claims in No. 10-3384, Judge Alan G. Lance, Sr.

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**JUDGMENT**

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AMANDA R. PHILLIPS, Ropes & Gray LLP, of Boston,  
Massachusetts, argued for claimant-appellant.

WILLIAM J. GRIMALDI, Trial Attorney, Commercial  
Litigation Branch, Civil Division, United States Depart-  
ment of Justice, of Washington, DC, argued for respond-  
ent-appellee. On the brief were STUART F. DELERY, Acting  
Assistant Attorney General, JEANNE E. DAVIDSON, Direc-  
tor, SCOTT D. AUSTIN, Assistant Director, and MICHAEL P.  
GOODMAN, Trial Attorney. Of counsel on the brief were

MICHAEL J. TIMINSKI, Deputy Assistant General Counsel, and MARTIE ADELMAN, Attorney, United States Department of Veterans Affairs, of Washington, DC. Of counsel was DAVID J. BARRANS, 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 (LOURIE, MAYER, and O'MALLEY, *Circuit Judges*).

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

ENTERED BY ORDER OF THE COURT

August 14, 2013  
Date

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