

NOTE: This disposition is nonprecedential.

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

FRANCIS A. MITHEN,
Petitioner

v.

DEPARTMENT OF VETERANS AFFAIRS,
Respondent

2015-3191

Petition for review of the Merit Systems Protection Board in No. CH-1221-11-0498-B-1.

JUDGMENT

KURT PATRICK CUMMISKEY, Kurt Cummiskey Attorney at Law LLC, St. Louis, MO, argued for petitioner.

AMELIA LISTER-SOBOTKIN, Commercial Litigation Branch, Civil Division, United States Department of Justice, Washington, DC, argued for respondent. Also represented by BENJAMIN C. MIZER, ROBERT E. KIRSCHMAN, JR., ELIZABETH HOSFORD; PAUL K. PETRABORG, Office of Regional Counsel, United States Department of Veterans Affairs, St. Louis, MO.

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (PROST, *Chief Judge*, PLAGER and LOURIE,
Circuit Judges).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

June 15, 2016
Date

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court