

NOTE: This disposition is nonprecedential.

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

NICOLO PORRIELLO,
Claimant-Appellant,

v.

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

2011-7161

Appeal from the United States Court of Appeals for
Veterans Claims in case No. 08-2731, Judge Robert N.
Davis.

JUDGMENT

KENNETH M. CARPENTER, Carpenter Chartered, of
Topeka, Kansas, argued for claimant-appellant.

ALLISON KIDD-MILLER, Trial Attorney, Commercial
Litigation Branch, Civil Division, United States
Department of Justice, of Washington, DC, argued for
respondent-appellee. On the brief were TONY WEST,
Assistant Attorney General, JEANNE E. DAVIDSON,
Director, BRIAN M. SIMKIN, Assistant Director, and SCOTT
D. AUSTIN, Assistant Director. Of counsel on the brief
were DAVID J. BARRANS, Deputy Assistant General
Counsel, and DANA RAFFAELLI, 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*, DYK, and REYNA,
Circuit Judges).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

January 15, 2013
Date

/s/ Jan Horbaly
Jan Horbaly
Clerk