

NOTE: This disposition is nonprecedential.

# United States Court of Appeals for the Federal Circuit

---

**ROSIE L. KELLY,**  
*Claimant-Appellant,*

v.

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

---

2012-7062

---

Appeal from the United States Court of Appeals for  
Veterans Claims in case no. 09-4018, Judge Mary J.  
Schoelen.

---

## JUDGMENT

---

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

ERIC P. BRUSKIN, Trial Attorney, Commercial  
Litigation Branch, Civil Division, United States  
Department of Justice, of Washington, DC, argued for  
respondent-appellee. On the brief were STUART F.  
DELERY, Acting Assistant Attorney General, JEANNE E.  
DAVIDSON, Director, MARTIN F. HOCKEY, JR. Assistant  
Director, and JAMES SWEET, Trial Attorney. Of counsel on  
the brief was MICHAEL J. TIMINSKI, Deputy Assistant  
General Counsel and TRACEY WARREN, Staff Attorney,  
United States Department of Veterans Affairs, of  
Washington, DC.

---

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (DYK, BRYSON, and MOORE, *Circuit Judges*).

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

ENTERED BY ORDER OF THE COURT

January 15, 2013  
Date

/s/ Jan Horbaly  
Jan Horbaly  
Clerk