

NOTE: This disposition is nonprecedential.

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

MARIELLA B. MASON
(SUBSTITUTED FOR KENNETH B. MASON),
Claimant-Appellant,

v.

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

AND

FREDERICK TRAWICK,
Intervenor.

2012-7042

Appeal from the United States Court of Appeals for
Veterans Claims in case no. 08-2969, Judge Mary J.
Schoelen.

JUDGMENT

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

JAMES SWEET, Trial Attorney, Commercial Litigation
Branch, Civil Division, United States Department of
Justice, of Washington, DC, argued for respondent-

appellee. With him 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 MICHAEL J. TIMINSKI, Deputy Assistant General Counsel, and LARA EILHARDT, Staff Attorney, United States Department of Veterans Affairs, of Washington, DC. Of counsel was KEN LEE, United States Department of Veterans Affairs, of Washington, DC

MICHAEL J. NARDOTTI, JR., Patton Boggs LLP, of Washington, DC, argued for Intervenor. With him on the brief were MICHAEL J. SCHAENGOLD and ELIZABETH M. GILL.

THIS CAUSE HAVING BEEN HEARD AND CONSIDERED, IT IS

ORDERED AND ADJUDGED:

PER CURIAM (NEWMAN, SCHALL, and WALLACH, *Circuit Judges*).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

January 28, 2013
Date

/s/ Jan Horbaly
Jan Horbaly
Clerk