

Note: This disposition is nonprecedential.

United States Court of Appeals for the Federal Circuit

2008-7094

THURMAN GAINES, JR.,

Claimant-Appellant,

v.

JAMES B. PEAKE, M.D., Secretary of Veterans Affairs,

Respondent-Appellee.

Bryant S. Banes, Neel, Hooper & Banes, P.C., of Houston, Texas, argued for claimant-appellant. With him on the brief was Sean D. Forbes.

Allison Kidd-Miller, Trial Attorney, Commercial Litigation Branch, Civil Division, United States Department of Justice, of Washington, DC, argued for respondent-appellee. With her on the brief were Gregory G. Katsas, Assistant Attorney General, Jeanne E. Davidson, Director, and Martin F. Hockey, Jr., Assistant Director. Of counsel on the brief were David J. Barrans, Deputy Assistant General Counsel, and Martie S. Adelman, Attorney, Office of the General Counsel, United States Department of Veterans Affairs, of Washington, DC.

Appealed from: United States Court of Appeals for Veterans Claims

Chief Judge William P. Greene, Jr.

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Judgment

ON APPEAL from the United States Court of Appeals for Veterans Claims
in CASE NO(S). 06-1049

This CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

Per Curiam (NEWMAN, GAJARSA, and DYK, Circuit Judges).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

DATED December 15, 2008

/ s / Jan Horbaly
Jan Horbaly, Clerk