

NOTE: This disposition is nonprecedential.

## United States Court of Appeals for the Federal Circuit

2008-7143

KENNETH W. DUNCAN,

Claimant-Appellant,

v.

ERIC K. SHINSEKI, Secretary of Veterans Affairs,

Respondent-Appellee.

Christopher Aldo Porco, The Law Offices of Christopher Aldo Porco, PLLC, of Washington, DC, argued for claimant-appellant.

Kenneth Dintzer, Assistant Director, Commercial Litigation Branch, Civil Division, United States Department of Justice, of Washington, DC, argued for respondent-appellee. On the brief were Gregory G. Katsas, Assistant Attorney General, Jeanne E. Davidson, Director, Martin F. Hockey, Jr., Assistant Director, and Sean M. Dunn, Attorney. Of counsel on the brief were David J. Barrans, Deputy Assistant General Counsel, and Christa A. Childers, 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

Judge William A. Moorman

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## Judgment

ON APPEAL from the United States Court of Appeals  
for Veterans Claims

in CASE NO(S). 05-3700

This CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

Per Curiam (LOURIE, DYK and PROST, Circuit Judges).

AFFIRMED. See Fed.Cir.R.36.

ENTERED BY ORDER OF THE COURT

DATED October 7, 2009

/s/ Jan Horbaly  
Jan Horbaly, Clerk