

NOTE: This disposition is nonprecedential.

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

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**ALAN J. AIRINGTON,**  
*Claimant-Appellant,*

v.

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

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2011-7188

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Appeal from the United States Court of Appeals for  
Veterans Claims in Case No. 10-1246, Chief Judge Bruce  
E. Kasold.

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**JUDGMENT**

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THOMAS R. BENDER, Chisholm Chisholm & Kilpatrick,  
LLP, of Providence, Rhode Island, argued for claimant-  
appellant. On the brief was ZACHARY M. STOLZ.

JAMES SWEET, Trial Attorney, United States  
Department of Justice, of Washington, DC, argued for  
respondent-appellee. With him on the brief were TONY  
WEST, 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 TRACEY P. WARREN, Staff Attorney, United States Department of Veterans Affairs, of Washington, DC.

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THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (NEWMAN, MOORE, and O'MALLEY, *Circuit Judges*).

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

ENTERED BY ORDER OF THE COURT

June 19, 2012  
Date

/s/ Jan Horbaly  
Jan Horbaly  
Clerk