

NOTE: This disposition is nonprecedential.

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

LEO L. MIKITAROFF,
Claimant-Appellant,

v.

**Erick K. Shinseki, SECRETARY OF VETERANS
AFFAIRS,**
Respondent-Appellee.

2012-7137

Appeal from the United States Court of Appeals for
Veterans Claims in No. 10-2970, Judge William A. Moor-
man.

JUDGMENT

JAMES R. BARNEY, Finnegan, Farabow, Garrett &
Dunner, LLP, of Washington, DC, argued for claimant-
appellant. On the brief was MARK R. LIPPMAN, The Vet-
erans Law Group, of La Jolla, California.

ALEX P. HONTOS, Trial Attorney, Commercial Litiga-
tion 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 SCOTT D. AUSTIN, Assistant Director. Of counsel on the brief were DAVID J. BARRANS, Deputy Assistant General Counsel, and BRIAN D. GRIFFIN, Attorney, United States Department of Veterans Affairs, of Washington, DC.

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

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

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

May 17, 2013
Date

/s/ Jan Horbaly
Jan Horbaly
Clerk