

NOTE: This disposition is nonprecedential.

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

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**JOHN S. MURPHY,**  
*Claimant-Appellant,*

v.

**SLOAN D. GIBSON,**  
**Acting Secretary of Veterans Affairs,**  
*Respondent-Appellee.*

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2014-7035

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Appeal from the United States Court of Appeals for  
Veterans Claims in No. 12-880, Judge Mary J. Schoelen.

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**JUDGMENT**

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MAXWELL D. KINMAN, Alexander Webb & Kinman, of  
Mason, Ohio, 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,  
Assistant Attorney General, ROBERT E. KIRSCHMAN, JR.,  
Director, and MARTIN F. HOCKEY, JR., Assistant Director.  
Of counsel on the brief were MICHAEL J. TIMINSKI, Deputy

Assistant General Counsel, and DAVID BARRANS, Staff Attorney, United States Department of Veterans Affairs, of Washington, DC. Of counsel were MARTIE S. ADELMAN and JOSHUA P. MAYER, Attorneys.

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THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (LOURIE, LINN, and O'MALLEY, *Circuit Judges*).

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

ENTERED BY ORDER OF THE COURT

July 15, 2014

Date

/s/ Daniel E. O'Toole

Daniel E. O'Toole  
Clerk of Court