

NOTE: This order is nonprecedential.

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

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**DORETHA H. HENDERSON, AUTHORIZED  
REPRESENTATIVE OF DAVID L. HENDERSON,  
DECEASED,  
*Claimant-Appellant,***

v.

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

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2009-7006

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Appeal from the United States Court of Appeals for  
Veterans Claims in 05-0090, Chief Judge William P.  
Greene, Jr.

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Before RADER, *Chief Judge*, NEWMAN, MAYER, LOURIE,  
SCHALL, BRYSON, GAJARSA, LINN, DYK, PROST, MOORE,  
O'MALLEY, and REYNA, *Circuit Judges*.

PER CURIAM.

**ORDER**

Upon consideration of the decision of the Supreme  
Court of the United States in *Henderson v. Shinseki*, 131  
S. Ct. 1197 (2011) reversing this court's judgment,

IT IS ORDERED THAT:

(1) The decision of the United States Court of Appeals for Veterans Claims in *Henderson v. Peake*, 22 Vet. App. 217 (2008) is vacated and the case is remanded for further proceedings consistent with the Supreme Court's opinion.

(2) The revised official caption is reflected above.

FOR THE COURT

APR 13 2011

Date

/s/ Jan Horbaly

Jan Horbaly

Clerk

cc: Thomas W. Stoeber, Jr., Esq.  
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Lara Chapman Kelley, Esq.

**FILED**  
**U.S. COURT OF APPEALS FOR**  
**THE FEDERAL CIRCUIT**

**APR 13 2011**

**JAN HORBALY**  
**CLERK**