

NOTE: This disposition is nonprecedential.

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

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**HENRY E. SLAYTON, JR.,**  
*Claimant-Appellant,*

v.

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

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2012-7100

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Appeal from the United States Court of Appeals for  
Veterans Claims in No. 10-3240, Judge Bruce E. Kasold.

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**JUDGMENT**

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THOMAS R. BENDER, Chisholm Chisholm & Kilpatrick,  
Ltd., of Providence, Rhode Island, argued for claimant-  
appellant. Of counsel was ROBERT VINCENT CHISHOLM.

STEVEN M. MAGER, Trial Attorney, Commercial Liti-  
gation 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 were MICHAEL J. TIMINSKI, Deputy Assistant  
General Counsel, and TRACEY PARKER WARREN, Attorney,  
United States Department of Veterans Affairs, of Wash-  
ington, DC.

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THIS CAUSE HAVING BEEN HEARD AND CONSIDERED, IT IS  
ORDERED AND ADJUDGED:

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

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

ENTERED BY ORDER OF THE COURT

January 28, 2013  
Date

/s/ Jan Horbaly  
Jan Horbaly  
Clerk