

NOTE: This disposition is nonprecedential.

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

BARNETT R. BENJAMIN,
Claimant-Appellant,

v.

Eric K. Shinseki,
SECRETARY OF VETERANS AFFAIRS,
Respondent-Appellee.

2012-7127

Appeal from the United States Court of Appeals for
Veterans Claims in No. 10-2420, Judge Donald L. Ivers.

JUDGMENT

THOMAS R. BENDER, Chisholm Chisholm & Kilpatrick,
Ltd., of Providence, Rhode Island, argued for claimant-
appellant. Of counsel on the brief was CHRISTOPHER J.
CLAY, Disabled American Veterans, of Cold Springs,
Kentucky. Of counsel was ZACHARY STOLZ, of Chisholm
Chisholm & Kilpatrick, Ltd., of Providence, Rhode Island.

ELIZABETH M. HOSFORD, Senior Trial Counsel, Commercial Litigation Branch, Civil Division, United States Department of Justice, of Washington, DC, argued for respondent-appellee. With her on the brief were STUART F. DELERY, Principal Deputy Assistant Attorney General, JEANNE E. DAVIDSON, Director, and MARTIN F. HOCKEY, JR., Assistant Director. Of counsel on the brief were DAVID J. BARRANS, Deputy Assistant General Counsel, and JOSHUA P. MAYER, Attorney, United States Department of Veterans Affairs, of Washington, DC.

THIS CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

PER CURIAM (LOURIE, BRYSON, and DYK, *Circuit Judges*).

AFFIRMED. See Fed. Cir. R. 36.

ENTERED BY ORDER OF THE COURT

March 13, 2013
Date

/s/ Jan Horbaly
Jan Horbaly
Clerk