

App. B

NOTE: This order is nonprecedential.

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

DAVID FORSYTHE,
Claimant-Appellant

v.

**DENIS MCDONOUGH, SECRETARY OF
VETERANS AFFAIRS,**
Respondent-Appellee

2022-1610

Appeal from the United States Court of Appeals for
Veterans Claims in No. 20-4449, Judge Grant Jaquith.

ON PETITION FOR REHEARING EN BANC

Before MOORE, *Chief Judge*, NEWMAN, MAYER¹, LOURIE,
DYK, PROST, REYNA, TARANTO, CHEN, HUGHES, STOLL,
CUNNINGHAM, and STARK, *Circuit Judges*.

PER CURIAM.

O R D E R

¹ Circuit Judge Mayer participated only in the decision on the petition for panel rehearing.

David Forsythe filed a petition for rehearing en banc. A response to the petition was invited by the court and filed by Denis McDonough.

Military-Veterans Advocacy Inc., Swords to Plowshares, National Organization of Veterans' Advocates, Inc. and Paralyzed Veterans of America requested leave to file briefs as amici curiae which the court granted.

The petition was first referred as a petition to the panel that heard the appeal, and thereafter the petition was referred to the circuit judges who are in regular active service.

Upon consideration thereof,

IT IS ORDERED THAT:

The petition for panel rehearing is denied.

The petition for rehearing en banc is denied.

The mandate of the court will issue September 12, 2023.

FOR THE COURT

September 5, 2023
Date

/s/ Jarrett B. Perlow
Jarrett B. Perlow
Clerk of Court