

NOTE: This order is nonprecedential.

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

---

**RICHARD D. SIMMONS,**  
*Claimant-Appellant*

v.

**ROBERT L. WILKIE, SECRETARY OF VETERANS  
AFFAIRS,**  
*Respondent-Appellee*

---

2019-1519

---

Appeal from the United States Court of Appeals for  
Veterans Claims in No. 16-3039, Chief Judge Margaret C.  
Bartley, Judge Michael P. Allen, Senior Judge Robert N.  
Davis.

---

**ON PETITION FOR PANEL REHEARING AND  
REHEARING EN BANC**

---

Before PROST, *Chief Judge*, NEWMAN, LOURIE,  
CLEVINGER\*, DYK, MOORE, O'MALLEY, REYNA, WALLACH,  
TARANTO, CHEN, HUGHES, and STOLL, *Circuit Judges*.

PER CURIAM.

---

\* Circuit Judge Clevenger participated only in the  
decision on the petition for panel rehearing.

**O R D E R**

Appellant Richard D. Simmons filed a combined petition for panel rehearing and rehearing en banc. The petition was referred to the panel that heard the appeal, and thereafter the petition for rehearing en banc 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 on October 8, 2020.

FOR THE COURT

October 1, 2020

Date

/s/ Peter R. Marksteiner

Peter R. Marksteiner  
Clerk of Court