

NOTE: This order is nonprecedential.

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

---

**CARY E. SMITH,**  
*Claimant-Appellant*

**v.**

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

---

2020-2063

---

Appeal from the United States Court of Appeals for  
Veterans Claims in No. 19-4777, Senior Judge Robert N.  
Davis.

---

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

---

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

PER CURIAM.

**O R D E R**

Cary E. Smith 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 August 3, 2021.

FOR THE COURT

July 27, 2021  
Date

/s/ Peter R. Marksteiner  
Peter R. Marksteiner  
Clerk of Court