

NOTE: This order is nonprecedential.

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

CLARK MCCARTNEY, III,
Claimant-Appellant

v.

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

2021-1007

Appeal from the United States Court of Appeals for
Veterans Claims in No. 18-6735, Judge Joseph L. Toth.

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

Before MOORE, *Chief Judge*, NEWMAN, LOURIE, DYK,
PROST, REYNA, TARANTO, CHEN, HUGHES, STOLL, and
CUNNINGHAM, *Circuit Judges*.¹

PER CURIAM.

O R D E R

¹ Circuit Judge O'Malley retired on March 11, 2022.

Clark McCartney, III filed a combined petition for panel rehearing and rehearing en banc. A response to the petition was invited by the court and filed by Denis McDonough. 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 March 23, 2022.

FOR THE COURT

March 16, 2022
Date

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