

NOTE: This order is nonprecedential.

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

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**ERNEST L. FRANCWAY, JR.,**  
*Claimant-Appellant*

v.

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

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2018-2136

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Appeal from the United States Court of Appeals for  
Veterans Claims in No. 16-3738, Judge Amanda L. Meredith,  
Judge Joseph L. Toth, Judge Michael P. Allen.

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**ON PETITION FOR HEARING EN BANC**

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

PER CURIAM.

**O R D E R**

Appellant Ernest L. Francway, Jr. filed a petition for hearing en banc. A response to the petition was invited by the court and filed by Appellee Robert Wilkie. The petition was referred to the circuit judges who are in regular active service.

Upon consideration thereof,

IT IS ORDERED THAT:

The petition for hearing en banc is denied.

FOR THE COURT

November 28, 2018  
Date

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