

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 09-1986

James F. Newport,

Petitioner - Appellant

v.

United States Department of Labor; Elaine L. Chao, Secretary of Labor; Madonna E. Douglas,
ARB Chair; Honorable Daniel J. Solomon,

Respondents - Appellees

Appeal from U.S. District Court for the Western District of Missouri - Kansas City
(4:08-cv-00631-DGK)

JUDGMENT

This appeal from the United States District Court was submitted on the record of the district court and briefs of the parties.

After consideration, it is hereby ordered and adjudged that the judgment of the district court in this cause is affirmed in accordance with the opinion of this Court.

March 16, 2010

Order Entered in Accordance with Opinion:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans