

NOTE: This disposition is nonprecedential.

United States Court of Appeals for the Federal Circuit

2008-7153

JAMES C. DEMOS,

Claimant-Appellant,

v.

ERIC K. SHINSEKI, Secretary of Veterans Affairs,

Respondent-Appellee.

Sandra E. Booth, Sandra E. Booth, Attorney at Law, of Columbus, Ohio, argued for claimant-appellant.

Tara K. Hogan, Trial Attorney, Commercial Litigation Branch, Civil Division, United States Department of Justice, of Washington, DC, argued for respondent-appellee. On the brief were Jeanne E. Davidson, Director, Martin F. Hockey, Jr., Assistant Director, and Elizabeth A. Holt, Trial Attorney. Of counsel on the brief were David J. Barrans, Deputy Assistant General Counsel, and Dana Raffaelli, Attorney, Office of the General Counsel, United States Department of Veterans Affairs, of Washington, DC.

Appealed from: United States Court of Appeals for Veterans Claims

Judge Mary J. Schoelen

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ERIC K. SHINSEKI, Secretary of Veterans Affairs,

Respondent-Appellee.

Appeal from the United States Court of Appeals for Veterans Claims in 06-2034, Judge Mary J. Schoelen.

DECIDED: May 11, 2009

Before MAYER, LOURIE, and GAJARSA, Circuit Judges.

PER CURIAM.

James Demos appeals the judgment of the United States Court of Appeals for Veterans Claims, which affirmed the Board of Veterans' Appeals decision denying him service connection for his knee injury. Our jurisdiction over cases from the Veterans Court is limited to a review of law or constitutional matters. We do not have jurisdiction to review facts or the application of law to facts. 38 U.S.C. § 7292(d)(2). Whether the

court misinterpreted “defect” in 38 U.S.C. § 1111 (2006) is a question of how the law was applied to facts. Also, whether the court did not address a lack of evidence of whether his knee became more disabled through service versus the natural progression of his pre-service injury, or that the court relied on the conclusion of the Army medical board requires a reweighing of evidence. Because Demos has presented only claims that would require this court to consider facts or the application of law to facts, his case is outside our jurisdiction and we must dismiss.