

NOTE: This order is nonprecedential.

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

JOSEPH L. SIMS,
Claimant-Appellant,

v.

**ERIC K. SHINSEKI, SECRETARY OF VETERANS
AFFAIRS,**
Respondent-Appellee.

2011-7168

Appeal from the United States Court of Appeals for
Veterans Claims in case no. 09-2928, Judge Lawrence B.
Hagel.

Before NEWMAN, LINN, and REYNA, *Circuit Judges.*
PER CURIAM.

O R D E R

The Secretary of Veterans Affairs moves to waive the requirements of Fed. Cir. R. 27(f) and to dismiss Joseph L. Sims' appeal for lack of jurisdiction, or in the alternative, to summarily affirm. Sims has not filed a response.

Sims served on active duty in the U.S. Army from October 1986 to September 1991. In May 1996, a Department of Veterans Affairs regional office (RO) denied Sims claim for disability benefits for an undiagnosed illness

that left Sims feel "sick and feeling bad." In January 1999, the RO denied Sims' claim for benefits for an adjustment disorder with anxiety and depression, finding no evidence that his condition was incurred in, or caused by, his active service. In February 2006, the RO denied Sims' claim for benefits for depression, post traumatic stress disorder (PTSD), and a mental disorder. The Board of Veterans' Appeals denied Sims' claim, finding that the evidence did not show that Sims had PTSD and that any other psychiatric conditions were not related to his service. On appeal, the Court of Appeals for Veterans Claims affirmed, concluding that the Board did err in relying on a 2009 medical examination report in making its determination.

Our review of Veterans Court decisions is limited by statute. See *Yates v. West*, 213 F.3d 1372, 1373-74 (Fed. Cir. 2000). By statute, our jurisdiction over appeals from the Veterans Court is limited to those appeals that challenge the validity of a decision of the Veterans Court with respect to a rule of law or the validity of any statute or regulation, any interpretation thereof, or that raise any constitutional controversies. See 38 U.S.C. § 7292. We do not have jurisdiction to hear appeals challenging determinations or the application of law to the facts of a particular case, unless there is a constitutional issue present. See 38 U.S.C. § 7292(d)(2).

In light of this court's jurisdictional limitations, we must dismiss Sims' appeal. Sims' informal brief does not make any argument that his appeal involves the validity or interpretation of a statute or regulation. Sims also admits that his appeal does not involve any constitutional issue that this court may have authority to review.

Accordingly,

IT IS ORDERED THAT:

(1) The Secretary's motions are granted. The appeal is dismissed.

(2) Each side shall bear its own costs.

FOR THE COURT

JAN 13 2012

Date

/s/ Jan Horbaly

Jan Horbaly
Clerk

cc: Joseph L. Sims
Joshua E. Kurland, Esq.

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Issued As A Mandate: JAN 13 2012

FILED
U.S. COURT OF APPEALS FOR
THE FEDERAL CIRCUIT

JAN 13 2012

JAN HORBALY
CLERK