

NOTE: This order is nonprecedential.

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

EDWARD G. TROST,
Claimant-Appellant,

v.

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

2011-7192

Appeal from the United States Court of Appeals for
Veterans Claims in case no. 10-0093, Judge Alan G.
Lance, Sr.

ON MOTION

Before PROST, MAYER, and REYNA, *Circuit Judges.*
PER CURIAM.

ORDER

Upon review of the briefs, the court determines
whether this appeal should be dismissed for lack of juris-
diction.

Edward G. Trost served on active duty in the United States Armed Forces from July 1978 to September 1978 and from September 1983 to April 1986. He appeals from a decision of the United States Court of Appeals for Veterans Claims ("Veterans Court") that affirmed a decision by the Board of Veterans' Appeals ("Board") denying a rating in excess of 20 percent for bilateral knee disabilities from May 17, 1991, to September 14, 1999, to include separate ratings for degenerative joint disease prior to September 15, 1999.

Our jurisdiction to review decisions of the Veterans Court is limited by statute. Under 38 U.S.C. § 7292(a), this court has jurisdiction over rules of law or the validity of any statute or regulation, or an interpretation thereof relied on by the court in its decision. This court may also entertain challenges to the validity of a statute or regulation, and may interpret constitutional and statutory provisions as needed for resolution of the matter. 38 U.S.C. § 7292(c). In contrast, except where an appeal presents a constitutional question, we lack jurisdiction over challenges to factual determinations or laws or regulations as applied to the particular case. 38 U.S.C. § 7292(d)(2).

Trost contends that the Board did not meet its obligation to account for the evidence favorable to him and provide reasons for rejecting such evidence. Trost's appeal merely challenges the Board's findings or application of law to the facts, affirmed by the Veterans Court, that the evidence of record does not establish his entitlement to an increased disability rating. "The evaluation and weight of evidence and the drawing of appropriate inferences from it are factual determinations," and this court "lack[s] jurisdiction to review these determinations. *Bastien v. Shinseki*, 599 F.3d 1301, 1306 (Fed. Cir. 2010).

Accordingly,

IT IS ORDERED THAT:

- (1) The appeal is dismissed.
- (2) Each side shall bear its own costs.

FOR THE COURT

AUG 10 2012

Date

/s/ Jan Horbaly
Jan Horbaly
Clerk

cc: Glenn W. Trost, Esq.
Douglas G. Edelschick, Esq.

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

AUG 10 2012

JAN HORBALY
CLERK