

NOTE: This disposition is nonprecedential.

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

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**JOSHUA EVANS,**  
*Claimant-Appellant*

v.

**DOUGLAS A. COLLINS, SECRETARY OF  
VETERANS AFFAIRS,**  
*Respondent-Appellee*

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2023-2356

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Appeal from the United States Court of Appeals for  
Veterans Claims in No. 21-1242, Judge Joseph L. Toth.

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Decided: July 25, 2025

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KENNETH DOJAQUEZ, Carpenter Chartered, Topeka,  
KS, argued for claimant-appellant.

MARTIN F. HOCKEY, JR., Commercial Litigation Branch,  
Civil Division, United States Department of Justice, Wash-  
ington, DC, argued for respondent-appellee. Also repre-  
sented by PATRICIA M. MCCARTHY, BRETT SHUMATE; BRIAN  
D. GRIFFIN, RICHARD STEPHEN HUBER, Office of General  
Counsel, United States Department of Veterans Affairs,  
Washington, DC.

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Before LOURIE and PROST, *Circuit Judges*, and BUMB,  
*Chief District Judge*.<sup>1</sup>

PER CURIAM.

Joshua Evans appeals a decision of the United States Court of Appeals for Veterans Claims (“the Veterans Court”) affirming a decision of the Board of Veterans’ Appeals (“the Board”). *Evans v. McDonough*, No. 21-1242, 2023 WL 3671133 (Vet. App. May 26, 2023); J.A. 19–23 (Board Decision). On appeal to this court, Evans principally argues that the Veterans Court erred in affirming the Board’s decision that he did not implicitly raise an earlier claim for total disability due to unemployability (“TDIU”) under *Rice v. Shinseki*, 22 Vet. App. 447 (2009). We lack jurisdiction over this issue because it involves the application of the legal standard stated in *Rice* to the facts of this case. 38 U.S.C. § 7292(d)(2) (providing that we lack jurisdiction over “a challenge to a law or regulation as applied to the facts of a particular case”). We therefore *dismiss*.

**DISMISSED**

COSTS

No costs.

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<sup>1</sup> Honorable Renée M. Bumb, Chief Judge, United States District Court for the District of New Jersey, sitting by designation.