

NOTE: This disposition is nonprecedential.

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

TIFFANY M. CAMPBELL,
Claimant-Appellant

v.

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

2025-1374

Appeal from the United States Court of Appeals for
Veterans Claims in No. 23-2752, Judge Coral Wong Pi-
etsch.

Decided: August 27, 2026

KENNETH DOJAQUEZ, Carpenter Chartered, Topeka,
KS, argued for claimant-appellant. Also represented by
KENNETH M. CARPENTER.

DANIEL FALKNOR, Commercial Litigation Branch, Civil
Division, United States Department of Justice, Washing-
ton, DC, argued for respondent-appellee. Also represented
by ERIC P. BRUSKIN, PATRICIA M. MCCARTHY, BRETT

SHUMATE; RICHARD STEPHEN HUBER, DEREK SCADDEN, Office of General Counsel, United States Department of Veterans Affairs, Washington, DC.

Before LOURIE, CUNNINGHAM, and STARK, *Circuit Judges*.

CUNNINGHAM, *Circuit Judge*.

Tiffany M. Campbell appeals a decision of the United States Court of Appeals for Veterans Claims (“Veterans Court”), affirming a 2023 Board of Veterans’ Appeals (“Board”) decision. *Campbell v. McDonough*, No. 23-2752, 2024 WL 4552839, at *1 (Vet. App. Oct. 23, 2024) (“*Decision*”). In its 2023 decision, the Board denied the motion to revise or reverse a May 2009 disability rating decision on the basis of clear and unmistakable error (“CUE”). J.A. 81, 91. Because we lack jurisdiction over Ms. Campbell’s appeal, we *dismiss*.

I. BACKGROUND

From January 2006 to January 2009, Ms. Campbell served on active duty in the United States Army. *Decision* at *1. Ms. Campbell filed a claim for service connection for post-traumatic stress disorder (“PTSD”) and other conditions in February 2009. *Id.* In May 2009, the regional office (“RO”) assigned Ms. Campbell a 70% disability rating for PTSD. *Id.*

In September 2016, Ms. Campbell filed a formal claim for total disability based on individual unemployability (“TDIU”), which was granted in November 2016 with an effective date of September 2016. *Id.* In July 2019, Ms. Campbell moved to revise the May 2009 rating decision, arguing that the decision contained CUE because her request for service-connected disability based on PTSD coupled with evidence of unemployability presented an informal claim for TDIU that the RO failed to adjudicate. *Id.*;

J.A. 85. The RO found no CUE in the May 2009 rating decision, and Ms. Campbell appealed that decision to the Board. *Decision* at *1.

In November 2020, the Board denied Ms. Campbell an effective date earlier than September 2016 for entitlement to TDIU based on no CUE in the May 2009 rating decision. J.A. 55–62; *Decision* at *1. Ms. Campbell appealed that Board decision to the Veterans Court. *Decision* at *2; *Campbell v. McDonough*, No. 21-1644, 2022 WL 2064003, at *1 (Vet. App. June 8, 2022) (“2022 *Decision*”). The Veterans Court concluded that although “the Board noted Ms. Campbell’s arguments,” the Board “never fully addressed them.” 2022 *Decision* at *3. The Veterans Court further determined that the Board failed to discuss Ms. Campbell’s service-connected conditions and erroneously required Ms. Campbell to show she was entitled to TDIU in 2009 rather than that she had raised a claim for TDIU in 2009. *Id.* Accordingly, the Veterans Court vacated the Board’s 2020 decision and remanded “for the Board to address whether the evidence in 2009 showed unemployability to raise a claim for TDIU.” *Id.*

In January 2023, the Board determined that Ms. Campbell “did not reasonably raise the issue of entitlement to TDIU” in 2009. J.A. 89. The Board concluded that, “reasonable minds *could* have differed as to whether the Veteran submitted evidence of unemployability, and this is not tantamount to CUE.” J.A. 90.

Ms. Campbell appealed the 2023 Board decision to the Veterans Court, arguing that the Board improperly “applied *Roberson* [*v. Principi*, 251 F.3d 1378 (Fed. Cir. 2001)]” and the Board should “have found CUE in the May 2009 decision.” *Decision* at *1, *3. The Veterans Court affirmed the Board’s 2023 decision. *Id.* at *4. Ms. Campbell timely appealed.

II. DISCUSSION

“This court’s jurisdiction to review decisions by the Veterans Court is limited.” *Wanless v. Shinseki*, 618 F.3d 1333, 1336 (Fed. Cir. 2010). We review a decision “with respect to the validity of a decision of the [Veterans] Court on a rule of law or of any statute or regulation . . . or any interpretation thereof . . . that was relied on by the [Veterans] Court in making the decision.” 38 U.S.C. § 7292(a); *Smith v. Collins*, 130 F.4th 1337, 1342 (Fed. Cir. 2025). However, except with respect to constitutional issues, we “may not review (A) a challenge to a factual determination, or (B) a challenge to a law or regulation as applied to the facts of a particular case.” 38 U.S.C. § 7292(d)(2). “[W]hile we can review questions of law, we cannot review applications of law to fact.” *Conway v. Principi*, 353 F.3d 1369, 1372 (Fed. Cir. 2004).

In this case, we lack jurisdiction because Ms. Campbell requests that we review the application of law to fact. Ms. Campbell argues that the Veterans Court “failed to correctly apply the rule of law created by this Court in *Roberson*” when it affirmed the Board’s decision that there was no CUE in the VA’s May 2009 rating decision. Appellant’s Br. 1, 5–10; *Decision* at *1, *4. Ms. Campbell contends that we have jurisdiction because her appeal concerns whether the Veterans Court affirmed the Board’s use of an incorrect legal standard. Appellant’s Br. 7–10. We disagree. As both counsel for Ms. Campbell and the government agreed at oral argument, we lack jurisdiction if the case is properly characterized as a dispute over how *Roberson* was applied, rather than whether *Roberson* was applied. Oral Arg. 07:20–07:56, 14:40–15:40, https://www.cafc.uscourts.gov/oral-arguments/25-1374_06032026.mp3.

We lack jurisdiction over Ms. Campbell’s appeal because the Board and Veterans Court applied *Roberson*. “All *Roberson* requires is that the VA give a sympathetic reading to the veteran’s filings to determine all claims for

CAMPBELL v. COLLINS

5

recovery supported by a liberal construction of those allegations.” *Szemraj v. Principi*, 357 F.3d 1370, 1376 (Fed. Cir. 2004). In this case, the Veterans Court noted that “[t]he Board acknowledged the requirements of *Roberson*” as well as the Veterans Court’s remand to the Board to determine whether the 2009 evidence showed unemployability such that a TDIU claim was reasonably raised. *Decision* at *4. The Veterans Court recognized that the Board reviewed the record evidence relating to Ms. Campbell’s job search and the symptoms of her service-connected disability. *Id.* We do not have jurisdiction to reassess the application of *Roberson* to the facts of Ms. Campbell’s claim.

III. CONCLUSION

We have considered Ms. Campbell’s remaining arguments and find that none of the arguments raises a non-frivolous issue over which we can assert jurisdiction. For the foregoing reasons, we *dismiss*.

DISMISSED

COSTS

No costs.