NOTE: This disposition is nonprecedential.

United States Court of Appeals for the Federal Circuit

JOHNNY D. WALKER,
Claimant-Appellant

v.

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

2025-1503

Appeal from the United States Court of Appeals for Veterans Claims in No. 23-3703, Senior Judge Mary J. Schoelen.

Decided: September 23, 2026

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

MATTHEW JUDE CARHART, Commercial Litigation Branch, Civil Division, United States Department of Justice, Washington, DC, argued for respondent-appellee. Also represented by ERIC P. BRUSKIN, PATRICIA M. MCCARTHY, BRETT SHUMATE; CARLING KAY BENNETT,

DEREK SCADDEN, Office of General Counsel, United States Department of Veterans Affairs, Washington, DC.

Before PROST, HUGHES, and CUNNINGHAM, *Circuit Judges*.

HUGHES, *Circuit Judge*.

Johnny D. Walker appeals a decision of the United States Court of Appeals for Veterans Claims, which affirmed the Board of Veterans' Appeals' dismissal of his request for reconsideration of a 1996 claim for service connection under 38 C.F.R. § 3.156(c). For the reasons discussed below, we dismiss.

I

In 1996, Mr. Walker filed a claim for service connection for post-traumatic stress disorder (PTSD). This claim was denied, due in part to lack of a confirmed stressor, and Mr. Walker did not appeal. In 2008, Mr. Walker filed a request to reopen his service connection claim. The following year, a declassified military document was associated with Mr. Walker's claims file. The regional office of the Department of Veterans Affairs (VA) then conducted research, based in part on this declassified document, that led to verification of Mr. Walker's claimed PTSD stressors. Accordingly, in March 2010, VA reopened Mr. Walker's claim and awarded service connection with an effective date of November 2008. Mr. Walker did not appeal this decision.

In 2020, Mr. Walker requested a new adjudication of his 1996 claim, invoking 38 C.F.R. § 3.156(c).[1] Mr. Walker

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[1] This regulation states, in relevant part, "[n]otwithstanding any other section in this part, at any time after VA issues a decision on a claim, if VA receives or associates with the claims file relevant official service department records that existed and had not been associated with the

contended that VA's association of new service records with his claims file in 2009 necessitated a re-adjudication of his 1996 claim, rather than the nominal reopening that VA afforded him in 2010. He also clarified that his claim was solely based on § 3.156(c) and not predicated upon any allegations of clear and unmistakable error. In December 2021, VA issued a decision interpreting Mr. Walker's request as a challenge to the effective date it had assigned in 2010 and concluding that no earlier effective date was warranted under § 3.156(c). Mr. Walker then sought review before the Board, which dismissed his claim after determining that it was a freestanding claim for an earlier effective date. The Veterans Court affirmed, reasoning that VA had already exhausted its obligations under § 3.156(c) in 2010 by analyzing all evidence of record, including the service department records associated with Mr. Walker's claims file in 2009. Mr. Walker timely appealed to this court.

II

We have only "limited jurisdiction to review Veterans Court decisions." *Mote v. Wilkie*, 976 F.3d 1337, 1340 (Fed. Cir. 2020). While we possess jurisdiction to "decide all relevant questions of law, including interpreting constitutional and statutory provisions," 38 U.S.C. § 7292(d)(1), 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," *id.* § 7292(d)(2).

On appeal, Mr. Walker's lead argument is that the Veterans Court misinterpreted § 3.156(c) when it concluded that VA's 2010 decision constituted both a reopening under

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claims file when VA first decided the claim, VA will reconsider the claim." 38 C.F.R. § 3.156(c)(1).

38 C.F.R. § 3.156(a)[2] and a reconsideration under § 3.156(c). Though he nominally challenges the interpretation of a regulation, we conclude that Mr. Walker really challenges the mere application of law to fact. Indeed, this court already decided in *Morse v. McDonough* that reconsideration under § 3.156(c) requires "nothing more" than an analysis of all record evidence, including newly associated service records, in evaluating a claim. 994 F.3d 1371, 1379–80 (Fed. Cir. 2021). And the Veterans Court cited *Morse* in its determination that, on the facts of Mr. Walker's case, VA had effected both a reopening and a reconsideration of his claim in its 2010 decision by consulting all record evidence. *See Walker v. McDonough*, No. 23-3703, 2024 WL 5050166, at *3–4 (Vet. App. Dec. 10, 2024). Mr. Walker's challenge to the Veterans Court's application of *Morse* to the facts of his case does not constitute a question of law over which we may exercise jurisdiction.

To the extent Mr. Walker also argues that he received insufficient notice that VA reconsidered his 1996 claim in its 2010 decision, we will not consider this argument. Mr. Walker pivoted to making this argument in his reply brief, and "[a]rguments raised for the first time in a reply brief are not properly before this court." *Mosaic Brands, Inc. v. Ridge Wallet LLC*, 55 F.4th 1354, 1362 n.7 (Fed. Cir. 2022) (citation omitted). This untimely argument is therefore forfeited.

III

We have considered Mr. Walker's remaining arguments and find that none raises an issue within our limited

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[2] This regulation also pertains to new evidence that was not previously a part of the record before the agency. It states that "[a] claimant may reopen a finally adjudicated legacy claim by submitting new and material evidence." 38 C.F.R. § 3.156(a).

jurisdiction. For the foregoing reasons, we dismiss Mr. Walker's appeal for lack of jurisdiction.

DISMISSED

COSTS

No costs.