

NOTE: This disposition is nonprecedential.

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

LINDA KAY ULIK-PRITCHARD,
Claimant

v.

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

ELLEN J. PRITCHARD,
Respondent-Appellant

2025-2158

Appeal from the United States Court of Appeals for
Veterans Claims in No. 23-5548, Judge Scott Laurer.

Decided: October 7, 2026

ELLEN J. PRITCHARD, Milwaukee, WI, pro se.

MEREDYTH COHEN HAVASY, Commercial Litigation
Branch, Civil Division, United States Department of Jus-
tice, Washington, DC, for respondent-appellee. Also repre-
sented by ERIC P. BRUSKIN, PATRICIA M. MCCARTHY, BRETT
SHUMATE; MATTHEW ALBANESE, BRIAN D. GRIFFIN, Office of

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

Before CHEN, STOLL, and STARK, *Circuit Judges*.

PER CURIAM.

Both Ellen J. Pritchard (Ms. Pritchard) and Linda Kay Ulik-Pritchard (Ms. Ulik-Pritchard) seek to be recognized as veteran Randall W. Pritchard's surviving spouse for purposes of claiming dependency and indemnity compensation. Appellant Ms. Pritchard appeals the decision of the United States Court of Appeals for Veterans Claims (Veterans Court) vacating the decision by the Board of Veterans' Appeals (Board) that recognized her as the surviving spouse. *See Ulik-Pritchard v. Collins*, No. 23-5548, 2025 WL 1911825, at *1 (Vet. App. July 11, 2025) (*Decision*). Because we lack jurisdiction over this appeal, we *dismiss*.

BACKGROUND

Veteran Randall W. Pritchard served on active duty from September 1972 to October 1978. He married appellant, Ms. Pritchard, in December 1982. According to Ms. Pritchard, they separated sometime in 1985 because the veteran sexually abused her daughter. In November 2003, the veteran married Ms. Ulik-Pritchard. He died in September 2011.

Following the veteran's death, Ms. Pritchard filed an application for dependency and indemnity compensation with the VA. The VA regional office determined that the veteran's death was service-connected and granted her application. Ms. Ulik-Pritchard filed a notice of disagreement as to the recognition of Ms. Pritchard as the surviving spouse.

The Board first explained the statutory definition of “surviving spouse” under 38 U.S.C. § 101(3). *See* S.A.¹ 49 (citing 38 U.S.C. § 101(3) (defining “surviving spouse” as “a person who was the spouse of a veteran at the time of the veteran’s death, and who lived with the veteran continuously from the date of marriage to the date of the veteran’s death (except where there was a separation which was due to the misconduct of, or procured by, the veteran without the fault of the spouse) and who has not remarried”)). Then, the Board inquired who, between Ms. Pritchard and Ms. Ulik-Pritchard, should be recognized as the veteran’s surviving spouse.

The Board determined that Ms. Pritchard’s marriage to the veteran was invalid, because under Wisconsin law, it is “unlawful . . . to marry again until 6 months after judgment of divorce is granted,” and she attempted to marry him less than six months after divorcing her previous husband. S.A. 50 (citing WIS. STAT. § 765.03(2)). Thus, because Ms. Pritchard was never lawfully married to the veteran, the Board concluded that in 2003, both the veteran and Ms. Ulik-Pritchard were legally free to get married, and Ms. Ulik-Pritchard must be recognized as the surviving spouse. S.A. 50–51. Ms. Pritchard appealed to the Veterans Court.

In April 2020, the Veterans Court vacated the Board’s decision, explaining that the VA failed to follow the required heightened procedural requirements in simultaneously contested claims (where the allowance of one claim results in the disallowance of another claim involving the same benefit) and that Ms. Pritchard had been prejudiced by the Board’s failure. S.A. 40–41, 46–47. The court also

¹ S.A. refers to the supplemental appendix filed with the Respondent-Appellee’s informal brief. ECF No. 11.

determined that “the Board failed to provide adequate reasons or bases for its determination that Ms. Ulik-Pritchard was the veteran’s surviving spouse.” S.A. 43.

On remand, the Board found that Ms. Pritchard was the surviving spouse. S.A. 21. The Board explained that it was previously mistaken about the effective date of her divorce and found that the six-month prohibition against remarriage elapsed by the time she married the veteran. S.A. 16–17. Accordingly, the Board found that Ms. Pritchard, not Ms. Ulik-Pritchard, was the veteran’s spouse at the time of his death. S.A. 17.

The Board further found that Ms. Pritchard’s separation from the veteran met the exception to the cohabitation requirement of § 101(3), because the separation was due to the veteran’s sexual abuse of Ms. Pritchard’s daughter. S.A. 18–19. Because the Board concluded that Ms. Pritchard satisfied all the statutory requirements to be the “surviving spouse” under 38 U.S.C. § 101(3), S.A. 17–18, it deemed Ms. Ulik-Pritchard’s marriage “invalid by reason of a legal impediment.” S.A. 21. And the Board found that an exception to this rule, 38 C.F.R. § 3.52, does not apply to Ms. Ulik-Pritchard’s marriage. S.A. 21. 38 C.F.R. § 3.52 states that “[w]here an attempted marriage of a claimant to the veteran was invalid by reason of a legal impediment, the marriage will nevertheless be deemed valid if” four conditions are satisfied. 38 C.F.R. § 3.52. The Board found that § 3.52(d) is not satisfied because Ms. Pritchard “ha[d] been found entitled to gratuitous death benefits,” for which she had filed a claim as the veteran’s legal surviving spouse. S.A. 21. This time, Ms. Ulik-Pritchard appealed to the Veterans Court.

In July 2025, the Veterans Court again vacated the Board’s decision and remanded. *Decision*, 2025 WL 1911825, at *4. The basis of the remand was for the Board “to reconcile conflicting evidence” and to provide adequate

“reasons or bases” for its decision. *Id.* at *3. The court explained that the Board overlooked inconsistencies with the timeline of events regarding Ms. Pritchard’s separation from the veteran after Ms. Pritchard’s daughter accused the veteran of sexual abuse. *Id.* The court instructed the Board to reconcile Ms. Pritchard’s statement that she separated from the veteran in 1985 due to allegations of sexual abuse, with the record showing that she did not learn of the abuse until 1986. *Id.* The court also concluded that further fact finding was required as to whether the veteran engaged in the alleged sexual abuse. *Id.* Accordingly, the court determined that Ms. Pritchard’s status as the veteran’s “legal surviving spouse” was a factual question that “remain[ed] unresolved.” *Id.* at *3.

Ms. Pritchard timely appealed. Ms. Ulik-Pritchard has not intervened.

DISCUSSION

Our jurisdiction to review decisions of the Veterans Court is limited. *Wanless v. Shinseki*, 618 F.3d 1333, 1336 (Fed. Cir. 2010). We may review the legal determinations of the Veterans Court. 38 U.S.C. § 7292(c)–(d). We may not review the Veterans Court’s factual findings or its application of law to facts absent a constitutional issue. *Id.* § 7292(d)(2); *see also Singleton v. Shinseki*, 659 F.3d 1332, 1334 (Fed. Cir. 2011).

Before us, Ms. Pritchard contends that the Veterans Court “did not interpret statutes [and] regulations correctly.” Appellant Inf. Br. 1. But she identifies no specific statute or regulation that the Veterans Court allegedly misinterpreted. Nor can we discern any such challenge from her informal brief.

In any event, we see no challenge to any legal determination of the Veterans Court. For example, Ms. Pritchard asks us to prosecute Ms. Ulik-Pritchard for identity theft. Appellant Inf. Br. 4. She also contends that Ms. Ulik-

Pritchard's use of that surname prevented her from obtaining pro bono representation in this appeal. *Id.* And she alleges various wrongdoings by the attorney who represented Ms. Ulik-Pritchard before the Board and the Veterans Court. *Id.* at 5. None of these arguments challenge a legal determination of the Veterans Court. We therefore lack jurisdiction to consider them. *See* 38 U.S.C. § 7292(d)(2).

Next, Ms. Pritchard contends that the Veterans Court's decision displayed "[b]ias and prejudice" and violated her "right to due process of law." Appellant Inf. Br. 2. Although a valid allegation of constitutional error would fall within this court's jurisdiction, 38 U.S.C. § 7292(d)(1)(B), Ms. Pritchard cannot create jurisdiction by merely placing "a 'due process' label on [her] contention that [she] should have prevailed" on her claim. *Helper v. West*, 174 F.3d 1332, 1335 (Fed. Cir. 1999). In other words, her claim is "constitutional in name only," which does not properly invoke this court's jurisdiction. *Id.* At bottom, Ms. Pritchard's argument amounts to nothing more than supplementing her factual assertions. *See* Appellant Inf. Br. 8. But as the Veterans Court noted, both "Ms. Ulik-Pritchard and Ms. Pritchard may submit additional evidence and argument" on remand.² *Decision*, 2025 WL 1911825, at *4.

² We also lack jurisdiction because the Veterans Court's remand order was non-final. *See Ravin v. McDonough*, 107 F.4th 1357, 1360 (Fed. Cir. 2024) (noting that "finality is a jurisdictional requirement" (citation omitted)). There is an exception to the rule of finality under *Williams v. Principi*, 275 F.3d 1361 (Fed. Cir. 2002). *Ravin*, 107 F.4th at 1360–61. But the *Williams* exception does not apply here, at least because Ms. Pritchard fails to identify "a clear and final decision of a legal issue" by the Veterans Court, as we have already explained. *Williams*,

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CONCLUSION

We have considered Ms. Pritchard's remaining arguments and find them unpersuasive. For the foregoing reasons, we dismiss.

DISMISSED

COSTS

No costs.

275 F.3d at 1364. We further note that Ms. Pritchard will still be able to appeal any future adverse legal determination by the Veterans Court should the case return to that court after the Board's upcoming decision on remand.