NOTE: This disposition is nonprecedential.

United States Court of Appeals for the Federal Circuit

REMEGIA G. BAUTISTA,
Claimant-Appellant

v.

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

2026-1128

Appeal from the United States Court of Appeals for Veterans Claims in No. 24-3615, Judge Margaret C. Bartley.

Decided: October 7, 2026

REMEGIA G. BAUTISTA, San Fernando City, La Union, Philippines, pro se.

ELINOR JOUNG KIM, Commercial Litigation Branch, Civil Division, United States Department of Justice, Washington, DC, for respondent-appellee. Also represented by PATRICIA M. MCCARTHY, BRETT SHUMATE, FRANKLIN E. WHITE, JR.; JONATHAN KRISCH, Office of General Counsel,

United States Department of Veterans Affairs, Washington, DC.

Before LOURIE, REYNA, and HUGHES, *Circuit Judges*.

PER CURIAM.

Remegia G. Bautista appeals from a decision of the United States Court of Appeals for Veterans Claims ("the Veterans Court") denying her petition for a writ of mandamus. *Bautista v. Collins*, No. 24-3615, 2025 WL 877562 (Vet. App. Mar. 21, 2025) ("*Decision*"). We *affirm*.

BACKGROUND

Gonzalo Bautista ("the veteran") served in the United States Army from August 1946 to August 1948. S.A.[1] 21, 30. In December 1986, the veteran passed away from pulmonary tuberculosis ("PTB"), a bacterial lung infection. S.A. 30–31. At the time of the veteran's death, he had been awarded 50 percent service connection for his PTB. S.A. 31.

His surviving wife, appellant in the instant appeal ("Bautista"), applied for dependency and indemnity ("DIC") benefits, asserting that she was entitled to compensation because the veteran's death was caused by his service-connected PTB. S.A. 31. A Regional Office ("RO") denied Bautista's claim for DIC benefits, finding that the PTB was not a substantial or material cause of the veteran's death. S.A. 31. The Board of Veterans' Appeals ("the Board") affirmed that denial. S.A. 32.

Bautista then filed a motion with the Board to reopen her claim for DIC benefits based on newly obtained evi-

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[1] "S.A" refers to the Supplemental Appendix attached to the Respondent's Informal Brief.

dence—specifically, two physicians' opinions that the veteran's death was caused by his service-connected PTB. *See* S.A. 33, 44. The Board granted the motion and the claim was remanded to the RO. S.A. 33–35. The RO then awarded Bautista DIC benefits with an effective date of October 2010, the date her motion to reopen the claim was received. S.A. 44.

In December 2020, Bautista sent a letter to the RO, in which she asserted that she was entitled to an earlier effective date of December 1986 for the DIC benefits, when the veteran passed away. S.A. 60–62. In March 2021, the RO responded to Bautista's letter, explaining that, to appeal the RO's October 2010 decision and obtain further review of the effective-date issue, she was required to complete one of several forms, each corresponding to a different avenue of appellate review. S.A. 64–66. The RO's response explicitly identified the available avenues of review and specified the form required to pursue each. S.A. 64–66.

Bautista did not complete any of the forms provided in the RO's response. Instead, she filed a petition for a writ of mandamus with the Veterans Court, seeking to compel the RO to assign her a December 1986 effective date for the DIC benefits. S.A. 12. In March 2025, the Veterans Court denied the petition, determining that Bautista was not entitled to mandamus relief because she had adequate alternative means to seek the relief she sought—*i.e.*, completing one of the forms provided by the RO to appeal the October 2010 RO decision and obtain further review of the effective date issue. *Decision* at *2 (citing *Cheney v. U.S. Dist. Ct. for D.C.*, 542 U.S. 367, 379 (2004)).

Bautista timely appealed.[2]

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[2] Bautista has filed numerous motions since briefing in this appeal has closed. We have considered those motions in the disposition of this appeal, but they are denied.

DISCUSSION

We have "jurisdiction to review the [Veterans Court's] decision whether to grant a mandamus petition that raises a non-frivolous legal question." *Beasley v. Shinseki*, 709 F.3d 1154, 1158 (Fed. Cir. 2013). Although "[w]e may not review the factual merits of the veteran's claim, . . . we may determine whether the petitioner has satisfied the legal standard for issuing the writ." *Id.* We review that determination for an "abuse[] [of] discretion." *Lamb v. Principi*, 284 F.3d 1378, 1384 (Fed. Cir. 2002). "An abuse of discretion occurs if the decision is clearly unreasonable, arbitrary, or fanciful; is based on an erroneous conclusion of law; rests on clearly erroneous fact findings; or involves a record that contains no evidence on which the Board could base its decision." *Cottingham on Behalf of K.C. v. Sec'y of Health & Hum. Servs.*, 971 F.3d 1337, 1345 (Fed. Cir. 2020) (citing *In re Durance*, 891 F.3d 991, 1000 (Fed. Cir. 2018)).

In *Cheney v. U.S. Dist. Ct. for D.C.*, the Supreme Court held that, inter alia, "mandamus *may not issue* so long as alternative avenues of relief remain available." 542 U.S. at 379 (emphasis added). As explained by the Veterans Court, there are various avenues for claimants to appeal adverse RO decisions. *Decision* at *2; *see* S.A. 64–66 (listing the forms a claimant must complete to pursue one of said appeal avenues). But Bautista has presented no argument—either to the Veterans Court, or to this court—as to why such avenues are inadequate. The Veterans Court therefore reasonably denied the petition for mandamus under *Cheney*.

Bautista raises several arguments in her briefing, but none address the *requirement* established by *Cheney* that a petitioner must show that alternative avenues for legal relief are unavailable. 542 U.S. at 380. To seek an earlier effective date for her awarded DIC benefits, she *must* complete one of the forms provided by the VA. *See also* S.A.

65–66 (providing contact information if assistance is required to complete the forms).

CONCLUSION

We have considered Bautista's remaining arguments, but find them unpersuasive. For the foregoing reasons, we *affirm*.

AFFIRMED

No costs.