NOTE: This disposition is nonprecedential.

# United States Court of Appeals for the Federal Circuit

---

**SETH HOOPER,**
*Claimant-Appellant*

**v.**

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

---

2026-1419

---

Appeal from the United States Court of Appeals for Veterans Claims in No. 25-4130, Judge Grant Jaquith.

---

Decided: September 15, 2026

---

SETH HOOPER, Ocean, NJ, pro se.

BLAKE WILLIAM COWMAN, Commercial Litigation Branch, Civil Division, United States Department of Justice, Washington, DC, for respondent-appellee. Also represented by ERIC P. BRUSKIN, PATRICIA M. MCCARTHY, BRETT SHUMATE; MICHELLE BERNSTEIN, Office of General Counsel, United States Department of Veterans Affairs, Washington, DC.

---

Before MOORE, *Chief Judge*, PROST, *Circuit Judge*, and BARKER, *District Judge*.[1]

PER CURIAM.

This appeal concerns an audit performed by the Department of Veterans Affairs ("VA") regarding benefits payments made to Seth Hooper. The Board of Veterans' Appeals ("Board") reviewed and approved the audit. The Court of Appeals for Veterans Claims ("Veterans Court") affirmed. *Hooper v. Collins*, No. 25-4130, 2025 WL 3776281 (Vet. App. Dec. 31, 2025) ("*Decision*"). We dismiss for lack of jurisdiction.

## BACKGROUND

Mr. Hooper served in the military in various capacities over a period of about a decade. S.A. 1.[2] Since 2003, he has applied for and received educational benefits under the Montgomery GI Bill ("MGIB") and the Post-9/11 GI Bill ("PGIB") for education expenses. S.A. 1. During this time, Mr. Hooper communicated regularly with the VA regarding his educational benefit status, primarily requesting that his benefit level be increased from 60% to 100%. S.A. 2–4. The VA changed Mr. Hooper's benefit level from 60% to 70% in 2012, to 80% in 2018, and then to 100% in 2020. S.A. 2–5. After the increase in benefit level to 100%, Mr. Hooper filed a series of Notices of Disagreement ("NOD") regarding various payment amounts made to the schools he attended. S.A. 4–6.

---

[1] Honorable J. Campbell Barker, District Judge, United States District Court for the Eastern District of Texas, sitting by designation.

[2] "S.A." refers to the supplemental appendix included with the government's informal response brief.

An NOD submitted by Mr. Hooper in July 2021 led to this appeal. S.A. 5. Mr. Hooper argued that the VA's most recent decision calculating his benefit amounts did not "associate the calculations with the file," did not assess "entitlement based on *Rudisill* [*v. McDonough*, 601 U.S. 294 (2024)]," and failed to consider four "returned payments." S.A. 5–6. In response, the Board remanded to the VA because the Board was "unable to determine the specific amount of retroactive benefits owed to the veteran, if any." S.A. 6 (cleaned up). The Board instructed the VA to perform an audit:

> Perform and associate with the claims file a paid-and-due audit of [Mr. Hooper's] VA education records with consideration of his [PGIB] benefits. The evidence should include calculation documents, such as, but not limited to, a full and comprehensive audit worksheet. It should be clearly indicated what amounts [Mr. Hooper] was entitled to based on his [PGIB] benefit level, what amounts were paid to [him] and his school, what amounts he has already paid back, if any, and what amounts are still owed to him, if any.

S.A. 34.

On August 31, 2022, the VA provided a 7-page audit to Mr. Hooper, listing all payments made to the schools Mr. Hooper attended as well as payments for books, supplies, and housing made to Mr. Hooper. S.A. 24–30. The audit also indicated several instances of overpayment to Mr. Hooper with explanations of how they were cleared. S.A. 24–30. The VA's audit indicated that all payments due to Mr. Hooper had been made and all overpayments had been cleared. S.A. 30.

After receiving the VA's audit, Mr. Hooper filed another NOD requesting direct review of the audit by the Board. Mr. Hooper argued that the audit was deficient for (1) failing to designate which payments were made under

which programs, (2) not assessing PGIB eligibility entitlement based on *Rudisill*, and (3) failing to consider some specific garnishments and returned payments.

The Board disagreed, finding the audit had complied with its remand instructions, finding "no error" in the calculated benefits, and addressing the specific payments Mr. Hooper identified. S.A. 21–23.

Mr. Hooper appealed the Board's decision to the Veterans Court, arguing that the audit failed to comply with the Board's remand instructions and that the Board did not adequately explain its reasoning. *Decision*, 2025 WL 3776281, at *5. Applying a "liberal construction" to Mr. Hooper's arguments, the Veterans Court concluded that Mr. Hooper had "not met his burden to show clear error in the Board's decision." *Id.* at *5–6.

Mr. Hooper timely appealed.

## DISCUSSION

Our review of Veterans Court decisions is limited by statute. *See Wanless v. Shinseki*, 618 F.3d 1333, 1336 (Fed. Cir. 2010). While we may review the Veterans Court's decisions regarding legal issues, we generally may not review challenges to its factual determinations or its application of law to the facts of a specific case. *See* 38 U.S.C. § 7292(a), (d); *Singleton v. Shinseki*, 659 F.3d 1332, 1334 (Fed. Cir. 2011).

Mr. Hooper raises three main issues on appeal. First, he argues that the VA's August 2022 audit did not comply with the Board's remand instructions because it did not describe calculation methodology, provide supporting records, or identify an auditing standard used. Appellant's Informal Br. 1, 5, 10–13. Second, he argues that the Veterans Court refused to adjudicate whether he was entitled to benefits under *Rudisill*. *Id.* at 2–3. And third, he disputes the accuracy of the audit itself, identifying four specific "returned payments" that were allegedly not properly

calculated. *Id.* at 8–9. None lie within our jurisdiction. Each is addressed below in turn.

First, Mr. Hooper suggests that his audit compliance argument raises a legal issue because the Veterans Court "adopted a legal interpretation of 38 U.S.C. §§ 5103A and 7104(d)(1) and their implementing regulations." Appellant's Informal Br. 1. The Veterans Court did not engage in any legal interpretation of the statutes Mr. Hooper identified. As the government rightly points out, "the Veterans Court did not even cite or discuss" them. Appellee's Informal Br. 13. And even if the Veterans Court had, applying a statute is not necessarily interpreting a statute. *See Ferguson v. Principi*, 273 F.3d 1072, 1075 (Fed. Cir. 2001) (rejecting appellant's argument "equating 'applied' with 'interpretation'"). Mr. Hooper "did not point to any ambiguous term" in these statutes or "urge one of several plausible interpretations as the correct one." *See id.* at 1076. Where, as here, "the parties did not argue for differing interpretations, and the [Veterans Court's] opinion is silent on adopting a particular statutory construction, the only logical conclusion is that the statute was not being interpreted, only applied."[3] *Id.*

Second, Mr. Hooper's *Rudisill* argument also does not raise any legal issue within our jurisdiction.[4] The Veterans

---

[3] Mr. Hooper also generally references "implementing regulations" in his argument, including 38 C.F.R. § 19.9. Appellant's Informal Br. 1, 3. Even assuming this issue is adequately raised, we conclude that the Veterans Court did not engage in any legal interpretation of any regulations for the same reasons listed above.

[4] In *Rudisill*, the Supreme Court held that veterans who qualify for both MGIB and PGIB benefits may use their benefits in any order up to the 48-month aggregate cap under 38 U.S.C. § 3695. *See Rudisill*, 601 U.S. at 314.

Court simply concluded that, because Mr. Hooper "was already approved for both [MGIB and PGIB] programs and used both benefits accordingly," *Rudisill*'s principle of using MGIB or PGIB benefits "in any order" was inapplicable to the facts at issue. *Decision*, 2025 WL 3776281, at *7. Mr. Hooper's *Rudisill* argument appears, at most, to be a request that we review the specific timing and use of Mr. Hooper's MGIB and PGIB benefits. These are fact-intensive issues outside our jurisdiction.

Third, Mr. Hooper's arguments regarding specific payments—dated October 4, 2013; April 1, 2001; November 27, 2007; and November 21, 2007—are similarly fact-intensive questions that are beyond the jurisdiction of this court.

CONCLUSION

Because we lack jurisdiction over Mr. Hooper's appeal, we must dismiss.

**DISMISSED**

COSTS

No costs.