NOTE: This disposition is nonprecedential.

# United States Court of Appeals for the Federal Circuit

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**RODNEY WRIGHT,**
*Claimant-Appellant*

**v.**

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

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2026-1688

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Appeal from the United States Court of Appeals for Veterans Claims in No. 25-9722, Judge Scott Laurer.

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Decided: September 10, 2026

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RODNEY WRIGHT, Brooklyn, NY, pro se.

DAVID MICHAEL KERR, 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; CHRISTINA LYNN GREGG, JULIE HONAN, Office of General Counsel, United States Department of Veterans Affairs, Washington, DC.

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

PER CURIAM.

Rodney Wright appeals a decision of the United States Court of Appeals for Veterans Claims that dismissed his appeal of a Board of Veterans' Appeals remand order for lack of jurisdiction. Because we lack jurisdiction to consider Mr. Wright's arguments, we *dismiss*.

I

Mr. Wright is a veteran of both the United States Army and the United States Air Force. Since at least 2011, Mr. Wright has sought service connection for various disabilities.

On November 25, 2025, Mr. Wright filed a notice of appeal (NOA) at the Veterans Court seeking review of a Board decision purportedly issued that same day. The government moved to dismiss, explaining that no such Board decision existed; rather, it was the regional office of Veterans Affairs (RO) that issued a rating decision on November 25. Mr. Wright responded with an amended NOA, representing that his original NOA contained a clerical error and that he intended to appeal the Board's June 26, 2025 order instead. The government again moved to dismiss. In relevant part, the government argued that, because the Board's June 2025 order remanded the only claim before it back to the RO for further consideration, it was not a final decision within the Veterans Court's jurisdiction.

In the March 2026 decision on appeal, the Veterans Court dismissed Mr. Wright's appeal for lack of jurisdiction. *See Wright v. Collins*, No. 25-9722, 2026 WL 734641, at *2–3 (Vet. App. Mar. 16, 2026). The Veterans Court explained that, with few exceptions, a Board remand order is not "a final decision within the meaning of 38 U.S.C.

§ 7252(a)." *Id.* at *2. The Veterans Court then concluded that Mr. Wright had not "identified a decision that [the Veterans Court] may review. Instead, he seeks to appeal the June 26, 2025, Board remand, which isn't a final decision." *Id.* As a result, the Veterans Court determined it lacked jurisdiction to review Mr. Wright's appeal. *Id.*

Though the Veterans Court dismissed Mr. Wright's appeal for lack of a final Board decision, it also considered the parties' alternative arguments as to whether Mr. Wright's NOA was timely filed. While Mr. Wright's NOA was filed outside the 120-day window to appeal the Board's June 2025 order, he argued it was nonetheless timely because he filed a motion within that timeframe that alleged clear and unmistakable error (CUE) in the Board's order. Mr. Wright suggested that this CUE motion stayed the time to file his NOA. The Veterans Court rejected Mr. Wright's argument, noting that even if "the June 2025 Board decision [had] been a final decision" that was within its jurisdiction to review, Mr. Wright's November 2025 NOA would, nonetheless, "be late." *Id.* at *3 (observing that CUE motions do not "pause the 120-day appeal period").[1]

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[1] The Veterans Court also considered the possibility that Mr. Wright intended his CUE motion to operate as a motion for reconsideration since such motions abate the finality of a Board decision and therefore toll the 120-day period to appeal. *Wright*, 2026 WL 734641, at *2. But the Veterans Court concluded it would still lack jurisdiction under that theory because any NOA filed before the resolution of a motion for reconsideration would be premature. *See id.* Mr. Wright suggests that in doing so, the Veterans Court applied "mutually inconsistent theories," and he argues that "its conclusions cannot coexist without contradicting one another." Appellant Br. 24. Not so. The Veterans Court's decision is not impermissibly inconsistent. Its inconsistencies simply reflect the court broadly

Further, to the extent Mr. Wright sought to argue the merits of his CUE motion,[2] the Veterans Court noted that it could not consider such arguments because it "lacks jurisdiction to review his CUE arguments in the first instance." *Id.* at *3. Mr. Wright then timely appealed.

II

We have jurisdiction to review and decide challenges to Veterans Court decisions with respect to "the validity of any statute or regulation or any interpretation thereof," and we may "interpret constitutional and statutory provisions, to the extent presented and necessary to a decision." 38 U.S.C. § 7292(c). But absent a constitutional issue, we may not review challenges to the Veterans Court's factual determinations or its application of the law to the facts of the case. *Id.* § 7292(d)(2). Mr. Wright's arguments on appeal are numerous and, because he is proceeding pro se, we construe them liberally. *See Hughes v. Rowe*, 449 U.S. 5, 9–10 (1980). Nevertheless, he raises no issue that is within our jurisdiction.

First, we note that the bulk of Mr. Wright's arguments on appeal reduce to an assertion that the Veterans Court erroneously interpreted the Board's June 2025 order as remanding all claims presented. For example, he argues that the Board's order was only a partial remand because the Board left several purportedly pending CUE motions undecided, which he suggests operates as a final denial of CUE that is reviewable by the Veterans Court. Appellant Br. 26 ("A refusal to adjudicate a CUE motion is a denial. A denial is final. A final denial is appealable."); *see also id.*

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construing Mr. Wright's possible arguments and considering, but ultimately rejecting, alternative legal theories.

[2] Mr. Wright purportedly alleged CUE in the Board's June 2025 order on the ground that its remand instructions contained an error of law. *See* Appellant Br. 12–13.

at 22–23.[3] Though Mr. Wright argues this amounts to a misinterpretation of the Veterans Court's jurisdictional statute, 38 U.S.C. § 7252, it boils down to a disagreement with the Veterans Court's application of this court's binding precedent to the facts of his case. The Veterans Court noted that there are limited exceptions to the general principle that a Board remand order is not a decision within the Veterans Court's jurisdiction, and it concluded that none applied. *See Wright*, 2026 WL 734641, at *2. Mr. Wright does not meaningfully suggest the Veterans Court relied on an incorrect interpretation of statute or regulation, merely that it erred when it assessed the issues before the Board and determined that the effect of the Board's June 2025 order was to remand. That is a challenge to the Veterans Court's application of law to the facts of the case that we may not review.

Next, we observe that Mr. Wright's remaining arguments and requests for relief do not relate to the March 2026 Veterans Court decision that is before us for review. For example, Mr. Wright requests that we reverse a mandamus denial by the Veterans Court. *See* Appellant Br. 3, 18–24. But the March 16, 2026 decision that is before us did not decide any mandamus requests. Similarly, he argues that the Veterans Court erred when it dismissed for lack of a jurisdiction-conferring final Board decision, stating that he "identified the December 2, 2024, Board action as the operative decision." Appellant Br. 25. But his NOA identified the June 2025 order as the subject of his appeal to the Veterans Court, not the Board's December 2024 decision. Given that these arguments target decisions outside the present appeal stream, they are beyond the scope of this appeal, and we lack jurisdiction to consider them. *See Smith v. Collins*, 130 F.4th 1337, 1343–44 (Fed. Cir. 2025).

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[3] Citations to Mr. Wright's brief refer to the page numbers as designated by ECF.

Further, because Mr. Wright raises no allegation of error within our jurisdiction regarding the Veterans Court's determination that the June 2025 Board order was a remand outside its jurisdiction to review, we need not consider arguments regarding the Veterans Court's alternative conclusion that Mr. Wright's NOA, if directed to a final decision, was untimely.

## III

We have considered Mr. Wright's remaining arguments and find them unpersuasive. For the reasons stated above, we *dismiss*.

## DISMISSED

### COSTS

No costs.