

NOTE: This disposition is nonprecedential.

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

CHERAMY RUSBULDT,
Claimant-Appellant,

v.

**Eric K. Shinseki, SECRETARY OF VETERANS
AFFAIRS,**
Respondent-Appellee.

2012-7177

Appeal from the United States Court of Appeals for
Veterans Claims in No. 10-3829, Judge William A. Moor-
man.

Decided: May 22, 2013

VIRGINIA A. GIRARD-BRADY, ABS Legal Advocates
P.A., of Lawrence, Kansas, argued for claimant-appellant.

MICHAEL P. GOODMAN, Trial Attorney, Commercial
Litigation Branch, Civil Division, United States Depart-
ment of Justice, of Washington, DC, argued for respond-
ent-appellee. With him on the brief were STUART F.
DELERY, Principal Deputy Assistant Attorney General,

JEANNE E. DAVIDSON, Director, and MARTIN F. HOCKEY, JR., Assistant Director. Of counsel on the brief were MICHAEL J. TIMINSKI Deputy Assistant General Counsel, and CHRISTA A. SHRIBER, Attorney, United States Department of Veterans Affairs, of Washington, DC. Of counsel was DAVID J. BARRANS, Deputy Assistant General Counsel.

Before LOURIE, O'MALLEY, and TARANTO, *Circuit Judges*.

PER CURIAM.

Cheramy Rusbultdt (“Rusbultdt”) appeals from the decision of the United States Court of Appeals for Veterans Claims (“Veterans Court”) denying her claim for service connection for her veteran husband’s death and consequent determination of ineligibility for survivor dependency and indemnification compensation benefits. *Rusbultdt v. Shinseki*, No. 10-3829, 2012 WL 1940802 (Vet. App. May 30, 2012) (unpublished).

Although Rusbultdt frames the issue on appeal as whether the Veterans Court correctly interpreted the law and applied the correct legal standard, in effect she disagrees with the application of the evidentiary requirements of 38 U.S.C. § 5107 to the facts of her case. We do not have jurisdiction to review the Veterans Court’s application of the law to the facts unless it presents a constitutional issue, not presented here. 38 U.S.C. § 7292(d)(2); *Jackson v. Shinseki*, 587 F.3d 1106, 1109 (Fed. Cir. 2009); *cf. Livingston v. Derwinski*, 959 F.2d 224, 225 (Fed. Cir. 1992) (“[T]he mere recitation of a basis for jurisdiction by party or a court[] is not controlling; we must look to the true nature of the action.”).

Accordingly, we dismiss Rusbultdt’s appeal for lack of jurisdiction.

DISMISSED

COSTS

No costs.