

NOTE: Pursuant to Fed. Cir. R. 47.6, this disposition is not citable as precedent. It is a public record.

United States Court of Appeals for the Federal Circuit

04-7112

FRANK L. HENDERSON,

Claimant-Appellant,

v.

ANTHONY J. PRINCIPI, Secretary of Veterans Affairs,

Respondent-Appellee.

DECIDED: January 14, 2005

Before NEWMAN, MAYER*, and CLEVINGER, Circuit Judges.

PER CURIAM.

Frank L. Henderson (“Henderson”) appeals the judgment of the Court of Appeals for Veterans Claims (“Veterans Court”), which affirmed the Board of Veterans Appeals’ (“board”) decision denying Henderson’s allegations of clear and unmistakable error (“CUE”). Henderson v. Principi, No. 02-907 (Vet. App. Mar. 10, 2004). We dismiss for want of jurisdiction.

* Haldane Robert Mayer vacated the position of Chief Judge on December 24, 2004.

We review the judgment of the Veterans Court pursuant to 38 U.S.C. § 7292(a), which limits our reconsideration to questions of law. See Herndon v. Principi, 311 F.3d 1121, 1123-24 (Fed. Cir. 2002). We may review a challenge to a factual determination or a challenge to a law or regulation as applied to the facts of Henderson's appeal only to the extent that it presents a constitutional issue. See 38 U.S.C. § 7292(d)(2) (2000); Helfer v. West, 174 F.3d 1332, 1335 (Fed. Cir. 1999). Henderson, a Korean War veteran, has pursued a claim for compensable disability resulting from a burn sustained to the back of his right hand in 1951. In 1960, the Regional Office ("RO") granted service connection for his burn. The RO and the board have repeatedly denied his appeals for a compensable disability rating. Henderson now asserts that the decisions were the result of CUE because the RO and board did not properly consider his medical records, and that the board's evidentiary determinations violated his right to due process. Henderson's claim is purely factual, raises no cognizable due process issue, and, therefore, is not appropriate for disposition by this court. See Helfer, 174 F.3d at 1335-36.