

NOTE: This disposition is nonprecedential.

United States Court of Appeals for the Federal Circuit

2007-7195

JAMES B. CRISWELL,

Claimant-Appellant,

v.

GORDON H. MANSFIELD, Acting Secretary of Veterans Affairs,

Respondent-Appellee.

James B. Criswell, of Las Vegas, Nevada, pro se.

Roger A. Hipp, Trial Attorney, Commercial Litigation Branch, Civil Division, United States Department of Justice, of Washington, DC, for respondent-appellee. With him on the brief were Peter D. Keisler, Acting 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 Martie Adelman, Attorney, United States Department of Veterans Affairs, of Washington, DC.

Appealed from: United States Court of Appeals for Veterans Claims

Judge Lawrence B. Hagel

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DECIDED: October 4, 2007

Before MAYER and GAJARSA, Circuit Judges, and RESTANI, Judge.*

PER CURIAM.

James B. Criswell appeals the judgment of the United States Court of Appeals for Veterans Claims, which affirmed the Board of Veterans' Appeals decision denying his claim for an effective date prior to August 21, 1997, for a 50% combined disability rating for his service-connected cold-injury residuals of the hands and feet. Criswell v. Nicholson, No. 03-845 (Vet. App. Dec. 4, 2006). Because we lack authority to review either "a challenge to a factual determination" or "a challenge to a law or regulation as applied to the facts of a particular case" absent a constitutional issue, 38 U.S.C. § 7292(d)(2), we dismiss his appeal.

* Honorable Jane A. Restani, Chief Judge of the United States Court of International Trade, sitting by designation.