

NOTE: This order is nonprecedential.

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

CHARLES E. DESHNER,
Claimant-Appellant

v.

**DENIS MCDONOUGH, SECRETARY OF
VETERANS AFFAIRS,**
Respondent-Appellee

2021-2341

Appeal from the United States Court of Appeals for
Veterans Claims in No. 20-2156, Judge Amanda L. Meredith.

Before DYK, REYNA, and STARK, *Circuit Judges*.

PER CURIAM.

O R D E R

Appellant appeals the determination by the United States Court of Appeals for Veterans Claims (“Veterans Court”) that he was not eligible for total disability individual unemployability (“TDIU”) status before 2016 based on appellant’s theory that two of his disabilities were combinable in 2015 because they resulted from a “common etiology.” 38 C.F.R. § 4.16(a). The Veterans Court concluded

that this theory had not been raised before the Board of Veterans' Appeals ("Board"). Because of the remand in this case to the Board, the Board has before it the question of when appellant became entitled to schedular TDIU as a result of his 70% post-traumatic stress disorder disability. Appellant's theories (1) in this appeal that his eligibility date for schedular TDIU precedes 2016 because of a combination of two of his disabilities and (2) in the remand proceeding that he is owed TDIU before 2016 because of his PTSD alone are part of a single claim.

We "generally decline[] to review non-final orders of the Veterans Court." *Williams v. Principi*, 275 F.3d 1361, 1363 (Fed. Cir. 2002) (citation omitted). Under *Williams*, all theories to entitlement stemming from a single claim must be finally rejected by the Veterans Court to be fit for our review, with narrow exceptions not applicable here.

Accordingly,

IT IS ORDERED THAT:

The appeal is dismissed. Each party shall bear its own costs.

FOR THE COURT

March 9, 2023
Date

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court