

NOTE: This order is nonprecedential.

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

JEROME L. GERMANY,
Claimant-Appellant

v.

**DENIS MCDONOUGH, Secretary of Veterans Af-
fairs,**
Respondent-Appellee

2022-1806

Appeal from the United States Court of Appeals for
Veterans Claims in No. 19-6131, Chief Judge Margaret C.
Bartley, Senior Judge William P. Greene, Jr., and Judge
William S. Greenberg.

ON MOTION

PER CURIAM.

ORDER

The Secretary of Veterans Affairs moves to dismiss this
case for lack of jurisdiction. Jerome L. Germany has not
responded.

On October 19, 2021, this court affirmed the judgment of the Court of Appeals for Veterans Claims concerning Mr. Germany's benefits claim. *See Germany v. McDonough*, No. 2021-1089, 2021 WL 4851967 (Fed. Cir. Oct. 19, 2021). This court subsequently denied his petition for rehearing and issued the mandate. Following the issuance of the mandate, Mr. Germany moved for "reconsideration on . . . denial of petition for rehearing and rehearing en banc" on December 15, 2021. *Germany v. McDonough*, No. 2021-1089 (Fed. Cir. Dec. 15, 2021), ECF No. 25 (capitalization omitted). On December 16, 2021, the court informed Mr. Germany by letter that his appeal before the court was closed, that no action would be taken on his submission, and that further related filings would receive no response from the court. The Veterans Court subsequently issued its mandate on March 15, 2022. On May 4, 2022, Mr. Germany filed a notice of appeal at the Veterans Court, indicating his desire to appeal from the Veterans Court's mandate and this court's handling of his request for reconsideration after the denial of rehearing in his prior appeal.

Pursuant to 38 U.S.C. § 7292, not every action taken by the Veterans Court is appealable. Section 7292(a) provides that, in general, a party may only seek review of a decision of the Veterans Court and only with respect to the validity or interpretation of a statute or regulation relied on by the court in making its decision. If an appeal does not meet these criteria, 38 U.S.C. § 7292(d) requires dismissal. *See In re Bailey*, 182 F.3d 860, 870 (Fed. Cir. 1999). At bottom, Mr. Germany is attempting to relitigate his prior appeal by appealing from the Veterans Court's entry of the mandate in the very same matter. But the Veterans Court's issuance of its mandate in this matter merely carried out its earlier judgment, which was left undisturbed by our previous decision; it was not an otherwise appealable decision. We accordingly lack jurisdiction over Mr. Germany's current appeal. To the extent Mr. Germany challenges this court's handling of his December 15, 2021,

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motion in his prior appeal, this court has already informed him that his prior appeal has been closed and that no further action would be taken.

Accordingly,

IT IS ORDERED THAT:

- (1) The motion to dismiss is granted.
- (2) Each side shall bear its own costs.

FOR THE COURT

August 8, 2022
Date

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

ISSUED AS A MANDATE: August 8, 2022