

No. \_

IN THE  
SUPREME COURT OF THE UNITED STATES

Enrique M. Flores-Vazquez

PETITIONER

vs.

Denis McDonough, Secretary Of Veterans Affairs

RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court Of Appeals For The Federal Circuit #22-1587

PETITION FOR WRIT OF CERTIORARI

Enrique M. Flores-Vazquez

421 21<sup>st</sup> Street North West

Naples, Florida 34120

(239) 293-8352

## QUESTION(S) PRESENTED

Under what authority, rule or law? The Board of Department of Veterans Affairs can over rule and disregard 2 Mandates, after Judge Lance on 7/15/2012 #15-2196 United States Court of Appeals For Veteran's Claims agreed with claimant-appellant vacated and remanded, opinion, judgement, of an additional opinion mandate #17-1061 from the United States Court of Appeals for the Federal Circuit on 04/06/17 agreed with the decision from lower court Judge Lance #15-2196. The appellant introduced 2260 pages of evidence into the case #15-2196. Today these 2260 pages of evidence have not been considered. The #15-2196 Mandate for early effective date of November 4, 1998 has not been considered.

The question, where in the appeals process does the Board of Veterans Affairs have the authority to make false claims and disregard judgments and mandates #15-2196 -#17-1061 and the Evidence of Facts 2260 introduced in to The Record Before the Agency (RBA) by appellant.

When The Board of Veteran's Affairs makes a decision facts and evidence should be truthful. On April 22, 2008 The Board of Veterans Affairs made the decision on appellant to deny benefits, Pension on "Drug use crack cocaine" Page #1728 (RBA) to deny claim with no evidence and later destroying the decision out of case file for appellant. The reason The Board of Veteran's Affairs does not want to consider case #15-2196 and factual evidence.

## **LIST OF PARTIES**

- All parties appear in the caption of the case on the cover page.
- All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

### **RELATED CASES**

United States Court of Appeals For Veterans Claims #15-2196

United States Court of Appeals For Veterans Claims #17-3989

United States Court of Appeals For Veterans Claims #21-8002

United States Courts of Appeals For The Federal Circuit #17-1061

United States Court of Appeals For The Federal Circuit #19-1780

United States Court of Appeals For The Federal Circuit #22-1587

**TABLE OF AUTHORITIES**

**Cases**

*Bell v. Derwinski*, 2 Vet. App. 611 (1992) .....  
*Blubaugh v. McDonald*, 773 F.3d 1310,1313 (Fed. Cir. 2014) .....  
*Cline v. Shinseki*, 26 Vet. App. 18 (2012) .....  
*Emerson v. McDonald*, 228 Vet. App. 200, 206 (2016) .....  
*Gi/bertv. Derwinski*, 1 Vet. App. 49,56 (1990) .....  
*Hickson v. West*, 12 Vet. App. 247, 252 (1999) .....  
*Kisor v. Shinseki*, 869 F.3d 1360 (Fed. Cir. 2017) .....  
*Kisorv. Shinseki*, 869 F.3d 1360,1368 (Fed. Cir. 2017) .....  
*Kisor v. Shinseki*, 869 F.3d 1360, 1369 (Fed. Cir. 2017) .....

**Statutes**

38 U.S.C. § 5110 .....  
38 U.S.C. § 71 04(d)(1) .....  
38 U.S.C. § 7252 .....  
38 U.S.C. § 7261 (a)(3)(A) .....

**Regulations**

38 C.F.R. § 3.156(a) .....  
38 C.F.R. § 3.156(c) .....  
38 C.F.R. § 3.156(c) (2005) .....  
38 C.F.R. § 3.156(c) (2018) .....  
38 C.F.R. § 3.156(c)(2) (2018) .....  
38 C.F.R. § 3.400(q)(2) .....

**Citations to the Record Before the Agency**

( April 22, 2008, Board Decision Page #1728 ).....

**VA Adjudication Manual M-21-1MR**

6.C.10 (a).....  
6.C.11 (b).....

## TABLE OF CONTENTS

OPINIONS BELOW .....	1
JURISDICTION .....	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED .....	3.
STATEMENT OF THE CASE .....	4.
REASONS FOR GRANTING THE WRIT .....	5.
CONCLUSION .....	6.

## INDEX TO APPENDICES

### APPENDIX A

Statement Of The Case Record Before The Agency Page: 1728 .....	7
United States Court Of Appeals For Veterans Claims No.15-2196 .....	8-10
United States Court of Appeals For Federal Circuit No.17-1061 .....	11-14
<i>Board Veterans Affairs Appeals Docket No 11-16375</i> .....	15-30
United States Courts of Appeals For Veterans Claims No.17-3989.....	31-38
United States Courts of Appeals For Veterans Claims No.17-3989 Order .....	39-40
United States Courts of Appeals For The Federal Circuit No 19-1780 .....	41-63
Petition for Panel Rehearing EN BANC No 19-1780.....	64-65
United States Courts Of Appeals Petition for Extraordinary Relief No 21-8002.....	66
United States Courts Of Appeals For Veterans Claims No 21-8002.....	67
Petition For Panel Rehearing/ De Novo Review 38 CFR 3.2600 No 22-1587.....	68
United States Court Of Appeals For The Federal Circuit No 22-1587.....	69-70

IN THE  
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A #22-1587 to the petition and is

reported at ; or,

has been designated for publication but is not yet reported; or,

is unpublished.

The opinion of the United States district court appears at Appendix \_\_\_\_\_ to the petition and is

reported at ; or,

has been designated for publication but is not yet reported; or,

is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix \_\_\_\_\_ to the petition and is

reported at \_\_\_\_\_ ; or,

has been designated for publication but is not yet reported; or,

is unpublished.

The opinion of the \_\_\_\_\_ court appears at Appendix \_\_\_\_\_ to the petition "and is

reported at \_\_\_\_\_ ; or,

has been designated for publication but is not yet reported; or,

is unpublished.

## JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was \_\_\_\_\_

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: July 13, 2022, and a copy of the order denying rehearing appears at Appendix A #22-1587

An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. A \_\_\_\_\_

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was \_\_\_\_\_  
A copy of that decision appears at Appendix \_\_\_\_\_

A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_

An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. A \_\_\_\_\_

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Statue 38 U.S.C. 5104 (b)

Regulations:

38 C.F.R. 3.156 (b)

38 C.F.R. 3.156 (c) (1)

38 C.F.R. 3.2600

VA Adjudication Manual M-21- 1MR

6.C.10 (a)

6.C.11 (b)



STATEMENT OF THE CASE

Effective date November 4, 1998

Condition for claim has always been Chronic Depression PTSD

Pending and un-adjudicated form VA21-4142 July, 1, 1999

Pending and un-adjudicated Mandate #15-2196

## REASONS FOR GRANTING THE PETITION

I, appellant, Enrique M. Flores-Vazquez respectfully request for The Supreme Court of the United States to review at this time the evidence brought forward from the Record Before the Agency and my personal case file from the Board of Veterans Affairs, Saint Petersburg, Florida. I have been appealing always in good faith and with truthful evidence, The Board can not claim so, introducing false evidence on April 22, 2008, and destroying their own statement of the case is more than unfair it is illegal. I, Enrique M. Flores-Vazquez, never used crack cocaine which is a felony. I was discharged out of The United States Navy with an Honorable Discharge.

## CONCLUSION

Had the courts applied the criteria of 38 C.F.R. § 3.156(c) correctly, on #17-3989 from The United States Courts for Veterans and #19-1780 from The United States Court of Appeals for the Federal Circuit. The VA should have reconsidered the 1999 decision at the time it received the additional service records on April 1, 2016 #15-2196 had the claim been properly reconsidered, the Appellant would have been awarded service connection from November 4, 1998, as evidence of record #15-2196. I requested for a review by a panel of Judges, De Novo review under 38 C.F.R. § 3.2600 (page 50). Appellant request to this Supreme Court for a review, that finally will show all evidence on record and what he adjudicated actions actually are.

The petition for writ of certiorari should be granted.

Respectfully submitted,

Enrique M. Flores-Vazquez



Date: August 1, 2022