

No. 25-

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IN THE  
**Supreme Court of the United States**

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GARLAND O. WILLIAMSON,

*Petitioner,*

*v.*

DOUGLAS A. COLLINS, IN HIS OFFICIAL CAPACITY  
AS SECRETARY OF VETERANS AFFAIRS,

*Respondent.*

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ON PETITION FOR A WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

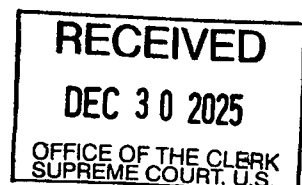
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**PETITION FOR A WRIT OF CERTIORARI**

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GARLAND O. WILLIAMSON  
*Petitioner, appearing pro se*  
675 President Street | Unit 2502  
Baltimore, MD 21202  
(410) 340-6683  
garland.williamson@verizon.net

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**QUESTION PRESENTED**

Whether a federal appellate court may affirm the dismissal of a statutory claim without interpreting the governing statute, without applying the Administrative Procedure Act's requirement that courts "decide all relevant questions of law," 5 U.S.C. § 706, and without enforcing mandate-fixed factual predicates established earlier in the same litigation—where the court below treated statutory meaning as irrelevant and relied on factual premises that contradict the litigation's binding mandate.

**PARTIES TO THE PROCEEDING**

Petitioner is Garland O. Williamson.

Respondent is Douglas A. Collins, in his official capacity as Secretary of Veterans Affairs.

There are no other parties to the proceedings below.

**CORPORATE DISCLOSURE STATEMENT**

Petitioner is an individual. He has no parent corporation, and no publicly held corporation owns 10% or more of any interest in him.

## RELATED PROCEEDINGS

U.S. Court of Appeals for the Federal Circuit  
*Williamson v. Collins*, No. 2024-1770 (order denying  
rehearing and rehearing en banc August 20, 2025).  
Pet. App. 1a–2a.

U.S. Court of Appeals for the Federal Circuit  
*Williamson v. Collins*, No. 2024-1770 (errata order  
July 30, 2025).  
Pet. App. 3a.

U.S. Court of Appeals for the Federal Circuit  
*Williamson v. Collins*, No. 2024-1770 (opinion  
July 16, 2025).  
Pet. App. 4a–10a.

U.S. Court of Appeals for Veterans Claims  
*Williamson v. McDonough*, No. 23-0526 (panel decision  
March 29, 2024).  
Pet. App. 11a–12a.

U.S. Court of Appeals for Veterans Claims  
*Williamson v. McDonough*, No. 23-0526 (single-judge  
decision January 23, 2024).  
Pet. App. 13a–17a.

U.S. Court of Appeals for Veterans Claims  
*Williamson v. McDonald* [sic], No. 14-0805  
(memorandum decision May 12, 2015).  
Pet. App. 18a–26a.

Board of Veterans' Appeals, Docket No. 220525-263013  
Decision issued January 18, 2023.  
Pet. App. 27a–30a.

Board of Veterans' Appeals, Docket No. 220525-263013  
Decision issued May 17, 2021.  
Pet. App. 31a–37a.

Board of Veterans' Appeals, Docket No. 11-06-061  
Decision issued September 7, 2018.  
Pet. App. 38a–44a.

Board of Veterans' Appeals, Docket No. 11-06-061  
Decision issued October 21, 2015 (implementing the  
Court's May 2015 mandate).  
Pet. App. 45a–49a.

That decision is part of a continuous line of administrative  
and judicial proceedings arising from the same underlying  
claim and mandate.

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## **PETITION FOR A WRIT OF CERTIORARI**

Petitioner Garland O. Williamson respectfully petitions for a writ of certiorari to review the judgment of the U.S. Court of Appeals for the Federal Circuit.

### **OPINIONS BELOW**

The opinion of the U.S. Court of Appeals for the Federal Circuit is unreported and is reproduced at Pet. App. 1a-2a, 3a, and 4a-10a.

The opinions of the U.S. Court of Appeals for Veterans Claims are unreported and are reproduced at Pet. App. 11a-12a, 13a-17a, and 18a-26a.

The decisions of the Board of Veterans' Appeals are unreported and are reproduced at Pet. App. 27a-30a, 31a-37a, 38a-44a, and 45a-49a.

### **JURISDICTION**

The judgment of the U.S. Court of Appeals for the Federal Circuit was entered on July 16, 2025. The court denied rehearing and rehearing en banc on August 20, 2025. This Court has jurisdiction under 28 U.S.C. § 1254(1). The decision below arose from proceedings implementing a prior mandate of the Court of Appeals for Veterans Claims and subsequent related proceedings.

This petition is timely filed under Supreme Court Rule 13.1. An application for an extension of time within which to file this petition was granted by the Chief Justice on October 6, 2025, extending the time to file to and including January 17, 2026.

## STATUTORY PROVISIONS INVOLVED

Relevant portions of 5 U.S.C. § 706, 28 U.S.C. § 1254(1), 38 U.S.C. § 503(b), and 38 U.S.C. § 7104(e) are reproduced in the Appendix at Pet. App. 50a–51a.

## INTRODUCTION

This case presents a structural breakdown in federal judicial review. The Federal Circuit affirmed the dismissal of a statutory claim under 38 U.S.C. § 503(b) without interpreting the statute, without applying the Administrative Procedure Act’s command to “decide all relevant questions of law,” 5 U.S.C. § 706, and while accepting factual premises that contradict mandate-fixed findings made earlier in this same litigation. The result is an appellate judgment anchored to neither statutory meaning nor consistent factual predicates.

Interpreting statutory text is the judiciary’s core responsibility. In *Loper Bright Enterprises v. Raimondo*, 144 S. Ct. 2244 (2024), this Court reaffirmed that courts must exercise independent judgment in statutory interpretation and cannot treat statutory meaning as optional. And in *Kisor v. Wilkie*, 139 S. Ct. 2400 (2019), the Court emphasized that independent judicial construction is required before any deference to an agency view is even considered. Yet the Federal Circuit’s opinion contains no citation to § 503(b)’s text, no discussion of its structure, and no analysis of its statutory prerequisites.

That silence is outcome-determinative because § 503(b) contains explicit statutory elements—administrative error and reliance resulting in loss—that must be construed before any assessment of reviewability. Treating statutory meaning as irrelevant effectively converts a statutory entitlement into an unreviewable discretionary matter without identifying any statutory basis for doing so.

The Federal Circuit's failure to interpret § 503(b), its disregard of § 706, and its acceptance of factual premises that contradict mandate-fixed findings present a structural question of exceptional importance. Review is necessary to restore the uniform application of federal law and reaffirm the judiciary's independent duty to interpret statutes.

### STATEMENT OF THE CASE

Table: Summary of binding mandate established in 2015, its implementation in 2018, and subsequent departures across tribunals.

Tribunal	Decision	Mandate Duty Violated	Source (Pet. App.)
1. CAVC (2015)	Held presumption of regularity rebutted; set aside Board's finality finding and remanded for factfinding on mailing/receipt and finality	N/A – This is the mandate	18a–26a



2. BVA (2018)	Implemented and reaffirmed mandate-bound findings on mis-mailing, nonreceipt of the July 1972 decision, and nonfinality	N/A – This implements mandate	38a–44a
3. BVA (2023)	Dismissed § 503(b) appeal without applying mandate-fixed predicates	Mandate Break #1	27a–30a
4. CAVC Single-Judge (2024)	Dismissed § 503(b) appeal without applying mandate-fixed findings	Mandate Break #2	13a–17a
5. CAVC Panel (2024)	Affirmed dismissal without applying mandate findings or interpreting § 503(b)	Mandate Break #3	11a–12a
6. Federal Circuit (2025)	Affirmed without interpreting § 503(b), applying § 706, or enforcing mandate-fixed findings	Mandate Break #4	4a–10a
7. Federal Circuit Rehearing/Errata (2025)	Denied rehearing and rehearing en banc in silence; issued errata without addressing mandate violations	Mandate Break #5	1a–3a

**Note:** “Mandate” refers to the binding factual and legal determinations established by the CAVC’s 2015 decision

and reaffirmed by the Board's 2018 decision, which later tribunals were required to apply under the mandate rule.

These repeated mandate breaks—in the same litigation across three tribunals—underscore a systemic failure to honor the mandate rule, not isolated oversight.

**A. The 2015 CAVC Decision Fixed the Governing Mandate Framework**

On May 27, 2015, the U.S. Court of Appeals for Veterans Claims (CAVC) issued a memorandum decision that set aside the Board's 2013 finality determination and remanded for further proceedings. *Williamson v. McDonald*, No. 14-0805, Pet. App. 18a–26a. Applying the presumption of regularity and the standards articulated in *Crain v. Principi*, 17 Vet. App. 182 (2003), the CAVC held—based on the undisputed mailing record and the Secretary's concessions—that:

1. The June 13, 1972, and July 17, 1972, rating decisions were mailed to the wrong address (Wolfe Street), not to the address VA knew and used for the pending claim (St. Paul Street and then Fairview Avenue);
2. VA's use of an incorrect address rebutted the presumption of regularity, shifting the burden to the Secretary to show proper mailing or actual receipt; and
3. The Board's finding that the July 1972 rating decision was final could not stand on the existing record and had to be set aside

and remanded for fact-finding on mailing, receipt, and finality.

The Board's October 21, 2015 decision implemented the Court's May 2015 mandate and fixed factual predicates that governed subsequent administrative and judicial proceedings.

Pet. App. 18a–26a, U.S. Court of Appeals for Veterans Claims.

The CAVC thus (a) accepted the Secretary's concession that the presumption of regularity was rebutted because both 1972 decisions were sent to the wrong address; and (b) remanded so the Board could determine in the first instance whether there was proper mailing or actual receipt and, consequently, whether the 1972 decisions ever became final.

Pet. App. 18a–26a, U.S. Court of Appeals for Veterans Claims.

These mandate constraints—rebuttal of the presumption of regularity, the Secretary's burden to prove proper mailing or actual receipt, and the requirement to revisit finality—bind every subsequent tribunal. Under the mandate rule, a lower tribunal “can do nothing else” but apply them. *Sanford Fork & Tool Co. v. United States*, 160 U.S. 247, 255–56 (1895); *Christianson v. Colt Indus. Operating Corp.*, 486 U.S. 800, 816 (1988).

On remand, the Board's later decisions—particularly the 2018 decision discussed next—implemented this

mandate and made the explicit factual findings of mis-mailing, nonreceipt of the July 1972 decision, and the nonfinality of the 1972 denials.

**B. The 2018 Board Decision Implemented and Reaffirmed the Mandate**

On September 7, 2018, the Board of Veterans' Appeals issued a decision expressly reaffirming and implementing the 2015 CAVC mandate. Pet. App. 38a–44a. The Board found that:

1. VA mailed both 1972 rating decisions to the wrong address, despite having petitioner's correct address;
2. There is no evidence reasonably demonstrating that petitioner ever received the July 1972 rating decision; and
3. Because there was no proper mailing or evidence of actual receipt, the 1972 decisions never became final, and the March 30, 1972 claim remained pending until the later grant of benefits.

The Board held that these facts provided "clear evidence" sufficient to rebut the presumption of regularity and, applying *Crain* and its progeny, concluded that, absent proper mailing or actual receipt, the one-year appeal period never began to run and the original claim remained pending.

Pet. App. 38a–44a, Board of Veterans' Appeals.

Once rebutted, the presumption of regularity cannot later be revived downstream. *Romero v. Tran*, 33 Vet. App. 252, 266 (2021); *Baxter v. Principi*, 17 Vet. App. 407, 411 (2004). Together, the 2015 CAVC mandate and the Board's 2018 implementation fix the key factual predicates—mis-mailing, nonreceipt of the July 1972 decision, and the nonfinality of the 1972 denials—as binding law of the case.

These reaffirmed findings bind all subsequent tribunals under the mandate rule. *Sanford Fork*, 160 U.S. at 255–56; *Christianson*, 486 U.S. at 816.

**C. The 2023 Board Decision Dismissed Petitioner's § 503(b) Appeal Without Applying the Mandate (Mandate Break #1)**

In January 2023, the Board of Veterans' Appeals dismissed petitioner's equitable-relief appeal under 38 U.S.C. § 503(b) for lack of jurisdiction. Pet. App. 27a–30a. The Board did not apply the mandate-fixed factual predicates established in 2015 and reaffirmed in 2018—mis-mailing, nonreceipt of the July 1972 decision, and nonfinality—nor did it attempt to reconcile its dismissal with those binding findings.

Instead, the Board relied on *Darrow v. Derwinski*, 2 Vet. App. 303 (1992), and related authorities, treating § 503(b) as wholly discretionary and concluding that it lacked jurisdiction to review the Secretary's denial of equitable relief. The Board conducted no meaningful analysis of § 503(b)'s text, which contains mandatory statutory prerequisites—administrative error and

reliance resulting in loss—that must be interpreted before determining whether review is available.

This omission violated the mandate rule and contravened the statutory-analysis framework reaffirmed in *Loper Bright Enters. v. Raimondo*, 144 S. Ct. 2244 (2024), and *Kisor v. Wilkie*, 139 S. Ct. 2400 (2019).

The 2023 dismissal committed two structural errors:

1. It resolved the jurisdictional question without interpreting § 503(b)'s statutory prerequisites, in violation of *Loper Bright* and *Kisor*.
2. It embraced factual premises inconsistent with mandate-fixed findings, contrary to *Sanford Fork*, 160 U.S. at 255–56, and *Christianson*, 486 U.S. at 816.

By failing to apply mandate-fixed findings and bypassing statutory interpretation, the Board's 2023 dismissal set the stage for the repeated mandate-rule violations that followed.

#### **D. The 2024 CAVC Decisions Departed from the Mandate and Ignored § 503(b)'s Text**

##### **1. Single-Judge Decision (Mandate Break #2)**

In January 2024, a single judge of the Court of Appeals for Veterans Claims dismissed petitioner's § 503(b) appeal. Pet. App. 13a–17a. The decision:

- Did not apply the mandate-fixed findings (2015 & 2018);
- Did not interpret § 503(b); and
- Relied entirely on the Secretary's "discretionary" characterization of § 503.

This violated the mandate rule and the interpretive obligations reaffirmed in *Loper Bright*, 144 S. Ct. at 2255–56, and *Kisor*, 139 S. Ct. at 2415–18.

## **2. Three-Judge Panel Decision (Mandate Break #3)**

In March 2024, a three-judge panel affirmed the dismissal. Pet. App. 11a–12a. The panel:

- Did not interpret § 503(b);
- Did not apply 5 U.S.C. § 706;
- Did not apply the mandate-fixed findings; and
- Did not reconcile its ruling with the 2015 and 2018 record.

Instead, the panel adopted the Secretary's litigation characterization and held that the denial of equitable relief is unreviewable, without engaging the statutory prerequisites or the mandate-bound factual predicates.

Under *SEC v. Chenery Corp.*, 318 U.S. 80, 94 (1943), judicial review must evaluate the agency's reasoning on the grounds it invoked, not on post hoc assumptions. The CAVC's panel decision failed that requirement.

**E. The 2025 Federal Circuit Opinion Affirmed Without Performing Required Judicial Functions (Mandate Break #4)**

In July 2025, the Federal Circuit affirmed in a nonprecedential opinion. Pet. App. 4a–10a. The court:

Did not interpret § 503(b)—contrary to *Loper Bright*, 144 S. Ct. at 2255–56, and *Kisor*, 139 S. Ct. at 2415–18;

Did not apply APA § 706—contrary to the requirement that courts decide “all relevant questions of law” and review agency action on the grounds the agency itself invoked, see *Chenery*, 318 U.S. at 94; and

Did not enforce mandate-fixed findings—contrary to *Sanford Fork*, 160 U.S. at 255–56, and *Christianson*, 486 U.S. at 816.

The Federal Circuit instead treated existing precedent on § 503 as dispositive, without engaging the statute’s text, its elements, or the mandate-bound factual predicates.

**F. The 2025 Rehearing Denial and Errata Left the Mandate Violation Intact (Mandate Break #5)**

In July 2025, the Federal Circuit issued a one-line errata correcting a statutory citation from Title 35 to Title 38. Pet. App. 3a. In August 2025, the Federal Circuit denied rehearing and rehearing en banc in a two-sentence order. Pet. App. 1a–2a.



Neither order addressed:

- The mandate-rule violations;
- The absence of statutory interpretation; or
- The failure to apply § 706.

This constituted Mandate Break #5, completing a sequence in which three adjudicative tribunals failed to apply binding mandate-fixed findings while simultaneously bypassing the statutory-review framework:

1. The Board of Veterans' Appeals, in its 2023 dismissal;
2. The Court of Appeals for Veterans Claims, in its 2024 single-judge and panel decisions; and
3. The U.S. Court of Appeals for the Federal Circuit, in its 2025 opinion and in its denials of rehearing and rehearing en banc.

### **SUMMARY OF ARGUMENT**

The judgment below rests on three coordinated legal failures: (1) the Federal Circuit refused to interpret the controlling statute, 38 U.S.C. § 503(b); (2) it declined to apply the Administrative Procedure Act's requirement that courts "decide all relevant questions of law," 5 U.S.C. § 706; and (3) it accepted factual premises that contradict mandate-fixed findings established in this litigation and reaffirmed by the Board in 2018. Each of these errors independently warrants review. Together, they reveal a structural breakdown in federal judicial method.

First, the Federal Circuit's refusal to interpret § 503(b) conflicts with *Loper Bright Enterprises v. Raimondo*, 144 S. Ct. 2244 (2024), which reaffirmed that federal courts must exercise independent judgment in statutory interpretation. By declaring § 503(b)'s text "irrelevant," the Federal Circuit bypassed the foundational step required in every statutory case. This failure also contradicts *Kisor v. Wilkie*, 139 S. Ct. 2400 (2019), which requires courts to exhaust the traditional tools of construction before deferring to any agency view.

Second, the decision violates APA § 706 and this Court's administrative-law framework. Under *SEC v. Chenery Corp.*, 318 U.S. 80, 94 (1943), a reviewing court must evaluate agency action on the grounds the agency itself invoked. The Federal Circuit affirmed despite the absence of any statutory analysis in the Secretary's decision, the Board's decision, or the appellate opinions. This approach is incompatible with *State Farm*, 463 U.S. 29 (1983), and undermines the integrity of judicial review.

Third, the Federal Circuit accepted factual premises inconsistent with mandate-fixed findings. The 2015 CAVC decision held that VA mis-mailed the 1972 decisions and rebutted the presumption of regularity; the 2018 Board decision, implementing that mandate, found nonreceipt and nonfinality. Under the mandate rule, later tribunals "can do nothing else" but apply those settled predicates. *Sanford Fork*, 160 U.S. at 255–56. The Federal Circuit did not.

Fourth, the decision deepens an emerging methodological conflict regarding statutory interpretation in Title 38 cases. In *Adams v. Collins* (Vet. App. July 8,

2025), the Veterans Court—applying *Loper Bright*—held that adjudicators must independently interpret the statutory text. The Federal Circuit’s contrary approach reflects a widening inconsistency that only this Court can resolve.

These concerns extend beyond petitioner’s case. They challenge the uniformity of statutory interpretation, the integrity of APA review, and the stability of the mandate rule across federal courts. Review is necessary to reaffirm core judicial obligations and restore the proper functioning of federal statutory review.

## **REASONS FOR GRANTING THE WRIT**

### **I. The Federal Circuit Declined To Interpret § 503(b), Contrary to This Court’s Precedent**

The Federal Circuit declined to interpret 38 U.S.C. § 503(b), treating the statute’s meaning as “irrelevant.” This approach directly conflicts with *Loper Bright*, 144 S. Ct. at 2255–56, which reaffirms that courts must exercise independent judgment in statutory interpretation and cannot treat statutory text as optional.

*Kisor*, 139 S. Ct. at 2415–18, likewise requires courts to apply all traditional tools of construction before considering any deference to an agency view. The Federal Circuit conducted no such analysis. It relied solely on the Secretary’s litigation characterization that § 503(b) relief is “discretionary,” bypassing statutory text entirely.

A federal appellate court may not affirm a statutory dismissal while declining to interpret the statute that

governs the claim. The decision below conflicts with this Court's precedent and undermines the uniform application of federal statutory law.

## **II. The Decision Below Conflicts with the APA and This Court's Administrative-Law Framework**

The Federal Circuit's approach is incompatible with 5 U.S.C. § 706, which requires reviewing courts to "decide all relevant questions of law." A court may not affirm by declaring statutory meaning unnecessary.

Under *Chenery*, 318 U.S. at 94, courts may not uphold agency action based on silence or litigation positions. Yet the Federal Circuit accepted the Secretary's characterization without analyzing the statute, the agency's reasoning, or § 706.

This approach also conflicts with *State Farm*, 463 U.S. at 43, which demands reasoned decision-making anchored in statutory authority. Affirmance without statutory analysis is inconsistent with the APA and with this Court's administrative-law framework.

## **III. The Decision Below Violates the Mandate Rule and Accepts Premises Contrary to Binding Findings**

The mandate rule requires lower tribunals to apply legal and factual determinations resolved earlier in the same litigation. *Sanford Fork*, 160 U.S. at 255–56; *Christianson*, 486 U.S. at 816.

The 2015 CAVC decision held that VA mis-mailed the 1972 decisions and rebutted the presumption of regularity.

The 2018 Board decision, implementing that mandate, found nonreceipt and nonfinality. These mandate-fixed findings were binding. Yet the Federal Circuit implicitly accepted contrary premises, treating the Secretary's denial as if no administrative error had been established.

A court may not override mandate-fixed facts through silence. The decision below conflicts with this Court's mandate-rule jurisprudence and destabilizes the finality of appellate judgments.

#### **IV. The Decision Below Deepens a Developing Conflict Regarding Statutory Interpretation in Title 38 Cases**

In *Adams v. Collins* (Vet. App. July 8, 2025), the Veterans Court—applying *Loper Bright*—held that adjudicators must independently interpret Title 38 statutes and may not rely on agency characterizations.

The Federal Circuit adopted the opposite methodology. It declined to interpret the statute and relied on the Secretary's characterization without addressing statutory text.

This emerging divergence in interpretive method is untenable. Claimants nationwide depend on uniform judicial rules governing statutory interpretation and reviewability. Only this Court can restore that uniformity.

**V. The Errors Below Are Structural, Recurring, and Warrant This Court's Review**

The defects in this case are structural. They concern:

- the judiciary's non-delegable duty to interpret statutory text;
- the obligations imposed by APA § 706;
- the stability of mandate-fixed factual findings; and
- the uniform administration of federal veterans' law.

Permitting appellate courts to affirm statutory dismissals without interpreting the statute would erode foundational principles of judicial review. Allowing courts to disregard mandate-fixed facts would destabilize the finality of judgments across the federal system.

These structural concerns warrant this Court's intervention.

**CONCLUSION**

The petition for a writ of certiorari should be granted.

In the alternative, the Court should grant, vacate, and remand in light of *Loper Bright Enterprises v. Raimondo*, 144 S. Ct. 2244 (2024).

Respectfully submitted,

GARLAND O. WILLIAMSON

*Petitioner, appearing pro se*  
675 President Street | Unit 2502  
Baltimore, MD 21202  
(410) 340-6683  
garland.williamson@verizon.net

December 23, 2025