11/6/26

No. 26-617

In the Supreme Court of the United States

WILLIE WILLIAMS,

Petitioner,

v.

DOUGLAS A. COLLINS,
SECRETARY OF VETERANS AFFAIRS,

Respondent.

On Petition for a Writ of Certiorari Before Judgment to the United States Court of Appeals for the Federal Circuit

PETITION FOR A WRIT OF CERTIORARI BEFORE JUDGMENT

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QUESTION PRESENTED

1. Whether a veteran has a right to meaningful access to the courts and administrative agencies under the First Amendment of the Constitution when the government concealed court decisions subject to review under 38 U.S.C. § 7292(a) and (c), as provided in § 7292 of this title, and Subchapter II, § 7261, Scope of Review, concerning (a) any action brought under this chapter, and (b)(2) the requirement to take due account of the rule of prejudicial error; where the Judge disregarded material evidence, mandatory appeal procedures, statutory notice requirements, and the rule of prejudicial error in determining appellate jurisdiction?

2. Whether it is a violation of this veteran's First and Fifth Amendment rights when the Secretary and the Court resorted to an arbitrary [remand] classification contrary to 38 C.D.R. § 3.105 (revision of decision) and dismissed the appeal, prejudicially concluding that the appeal did not involve the validity or interpretation of a statute or regulation, despite unresolved appeal-certification defects, conflicting judicial precedent, and the availability of extraordinary relief to protect potential appellate jurisdiction?

3. Whether a veteran has a constitutional right to a fair hearing on the merits of his disability [remanded appeal], and whether this claim must be decided according to fundamentally fair procedures, where determinations have been subject to nothing but deferential review that continues with the same concealed evidence during adjudication, misstatements of material facts, misstatements of law, fraudulent submissions, and omissions?

PARTIES TO THE PROCEEDINGS

Petitioner and Plaintiff-Appellant below

- Willie Williams

Respondent and Defendant-Appellant below

- Douglas A. Collins,
  Secretary of Veterans Affairs

LIST OF PROCEEDINGS

U.S. Court of Appeals for the Federal Circuit

No. 2025-1914

Willie Williams, *Claimant-Appellant* v. Douglas A. Collins, Secretary of Veterans Affairs, *Respondent-Appellee*

Final Decision: December 2, 2025

Order Denying Rehearing: December 29, 2025

U.S. Court of Appeals for Veterans Claims

No. 24-1493

Willie Williams, *Appellant* v. Douglas A. Collins, Secretary of Veterans Affairs, *Appellee*

Final Order: May 30, 2025

U.S. Court of Appeals for Veterans Claims

No. 26-4686

Willie Williams, *Petitioner* v. Douglas A. Collins, Secretary of Veterans Affairs, *Respondent*

Judgment: August 13, 2026

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PETITION FOR A WRIT OF CERTIORARI BEFORE JUDGMENT

Petitioner Willie Williams respectfully petition for a Writ of Certiorari Before Judgment to review December 30, 2025 motion for rehearing denied; intertwined with September, 2026 Clerk of the Court [Michael] denial of timely due process from receipt of Judgment of the United States Court of Appeals for the Federal Circuit.

OPINIONS BELOW

Petitioner seeks review of the Order and Judgment of the Court of Veterans Affairs before certiorari. (App.24a, 26a).

JURISDICTION

Williams invokes jurisdiction for a Petition for Writ of Certiorari Before Judgment under 28 U.S.C. § 2101(e) and 28 U.S.C. § 1254(1). The Court of Veterans Appeals issued its Order and Judgment in No. 26-4686 on August 13, 2026. (App.24a, 26a). The Petitioner filed a notice of appeal in the Federal Circuit, which is docketed at No. 26-2262, and presently before judgment.

Certiorari Before Judgment should be granted upon a showing that the case is of such imperative public importance as to justify deviation from normal

appellate practice and to require immediate determination in this Court. The Court of Appeals for the Federal Circuit routinely ignores or stonewalls veterans who have been denied benefits due to incorrect determination of service dates and reporting dates. Other veterans or their families have approached this Court recently seeking oversight over the practices of the CAFC. *See* Sup. Ct. No. 26-150, *Lopez v. Collins;* No. 26-309, *Cantu v. Collins;* No. 26-487, *Pena v. Collins.*

STATUTORY PROVISIONS INVOLVED

This petition involves Title 38 U.S.C. section(s) 511, 7104, 7252, 7261, 7266(a) and 7292.

INTRODUCTION

On June 15, 2022 the Supreme Court Justices in *George v. McDonough* certiorari noted the following court opinion:[1] "The law entitles veterans who have served on active duty in the United States military to receive benefits for disabilities caused or aggravated by their military service." *Shinseki v. Sanders*, 556 U.S. 396, 400 (2009); *see* 38 U.S.C. § 1110. A veteran seeking such benefits must first file a claim

[1] *See also* Supreme Court Justices June 15, 2022 case #21-234 *George v. McDonough* certiorari opinion of the court; *See also, Estate of Cowart*, ___U.S. at___, 112 S. Ct. at 2594, *Dimension Financial*, 474 U.S. at 368, 106 S. Ct. at 685-86.

with the VA. Sec. 5101(a)(1)(A). A regional office of the VA then determines whether the veteran satisfies all legal prerequisites, including the requirement that military service caused or aggravated the disability. Sec. 511(a); *see* 38 C.D.R. Sec. 3.100(a) (2021). To that end, the statute governing wartime service imposes a "[p]resumption of sound condition:" If a veteran's disability was not noted at the time of entry into service, then the veteran is presumptively entitled to benefits unless the VA shows by a heightened burden of proof that the disability "existed before . . . and was not aggravated by such service." 38 U.S.C. Sec. 1111. After applying this and other statutory requirements, the regional office issues an initial decision granting or denying benefits. Sec.'s 511(a), 5104(a).

Supreme Court Justices attest: "A veteran dissatisfied with the decision may challenge it through several layers of direct review. As a general rule, the veteran may appeal within one year to the VA's Board of Veterans Appeals (Board) Sec. 7105(b)(1), 7104(a). If the Board also denies relief, the veteran may seek further review outside the agency. Such review was once limited to constitutional and certain statutory claims, but since 1988 Congress has generally allowed veterans 120 days to appeal any Board decision to the Court of Appeals for Veterans Claims (Veterans Court). *See, Henderson v. Shinseh*, 562 U.S. 428, 432, and n. I (2011), Sec.'s 7252(a), 7261(a), 7266(a). A veteran dissatisfied with that court's decision may seek review of any legal issue in the Federal Circuit and ultimately in this Supreme Court 28 U.S.C. Sec. 1254(1). Supreme court note after its direct appeal process becomes "final and conclusive — may not be reviewed by any other official or by any court;" Still

the veteran enjoys a few limited options for seeking collateral review in exceptional circumstances. *E.g.*, Sec. 5108(a) (supplemental claim based on new and relevant evidence); Sec. 5103(a) (discretionary relief based on administrative error); Sec. 5110(g) (increase of benefits based on subsequent liberalizing legal change).

A. Discussion

Circuit judges decision involve the most egregious continuing violation by the said defendant [judges] January 23, 2026 [Mandate] decision that liberally construed "Williams has not met burden of showing any error in the Circuit Court December 2, 2025 Judgment concerning Veterans Court Judge Falvey April 14, 2025 Memorandum Decision of Board August 2, 2023 decision on appeal. Circuit Court concede to a fraudulent BVA (authority) Tribunal decision to deny an (earlier effective date) before May 12, 1998 for service connection for a right ankle strain with degenerative joint disease (DID), is a prejudicial opinion note: "has not met burden of showing any error in Board decision on appeal" conflict with Secretary February 18, 2025 Brief of Appellee statement of facts proving Circuit Judges misrepresentation of Williams procedural history Secretary brief confirm earlier claim before VA as of October 28, 1970 for right foot surgery and multiple musculoskeletal condition claims [R.at 5892, 5923; 5932-33]. A decision based on fraud is not a decision. *United States v. Throckmorton*, 98 U.S. 61 (1878).

B. Statutory Framework

"It is well settled that the Court has jurisdiction to determine whether the Board [award of May,

1998 service connection] had jurisdiction [over RO March, 2023 denial of earlier effective date] to take the action it takes in a decision," *see*, *Young v. Shinseki*, 25 Vet. App. 201, 203 (2012) (en banc order) (per curiam), and failed to concede absence of Circuit court jurisdiction to permit "the Court exercises *de novo* review over Board determination that are critical to its jurisdiction," *See*, *Evans v. Shinseki*, 25 Vet. App. 7, 10 (2011).

Court rules of practice and procedure note that the CAVC must comply with 38 U.S.C. § 7261(d) "When a final decision of the Board of Veterans' Appeals [to deny 1970 earlier effective date] is adverse to a party and the sole stated basis for such decision is [Board award of May, 1998 effective date] the failure of the judicial party [Court] to comply with any applicable 38 C.F.R. § 3.105 revision of decision regulation prescribed by the Secretary, the Court shall review only questions raised as to compliance with [interpretation of RO regulatory authority] and the validity of an [award of an earlier effective date] 38 U.S.C. Section 5110(a) regulation."

"When the Court reviews a Board determination that there was "No" [CUE] in a prior final decision, the Court 'cannot conduct a plenary review of the merits of the original decision'" by VA. *See*; *Stallworth v. Nicholson*, 20 Vet. App. 482, 487 (2006) (quoting *Archer v. Principi*, 3 Vet. App. 433,437 (1992). Rather, the Court reviews the Board's decision on [CUE] to determine whether it was "'arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law'" or unsupported by adequate reasons or bases. *See*, *Abbott v. O'Rourke*, 30 Vet. App. 42, 47 (2018) (quoting 38 U.S.C. § 7261(a)(3). The Board is required

to provide a statement of the reasons and bases for its determination that is adequate to enable the claimant to understand the precise basis for the Board's decision and to facilitate judicial review. *See*, 38 U.S.C. § 7104(d)(1); *See, Gilbert v. Derwinski*, 1 Vet. App. 49, 56 (1990). Because the veteran is representing himself, he is entitled to a liberal construction of his arguments. *See, De Perez v. Derwinski*, 2 Vet. App. 85, 86 (1992); *Calma v. Brown*, 9 Vet. App. 11, 15 (1996); *see also*; *King v. Nicholson*, 19 Vet. App. 406, 409 (2006) ("[W]here the Board May, 1998 assigned effective date — does not have {subject-matter jurisdiction} — then neither does the Court.")

As factfinder, the Board must determine in the first instance whether the [NOD] contained new [CUE] theories over which the Board lacked jurisdiction or whether the [NOD] merely elaborated on issues or questions that fell within the scope of the [CUE] matter before it. *See*; *Tadlock v. McDonough*, 5 F.4th 1327, 1337-38 (Fed. Cir. 2021) ("Where additional findings of fact are necessary regarding matters open to debate. The proper action for the Veterans Court is to remand to the Board for consideration of those facts in the first instance.") Because this determination could affect the scope of the [CUE] motions properly before the Board, it would be premature for the Court to address these matters on the merits. Accordingly, the Court will remand these matters for the Board to explain over which [CUE] theories it has jurisdiction and whether there are any theories that the RO has failed to adjudicate or that are insufficiently pleaded. *See*; *Tucker v. West*, 11 Vet. App. 369, 374 (1998) (holding that remand is appropriate "where the Board has incorrectly applied the law, failed to provide an

adequate statement of reasons or bases for its determinations, or where the record is otherwise inadequate").

See, FTC v. Dean Foods Co., 384 U.S. 597, 603 (1966) (the power to issue writs "extends to the potential jurisdiction of the appellate court where an appeal is not then pending but may be later perfected"). See also, *Lamb v. Principi*, 284 F.3d 1378, 1384 (Fed. Cir. 2002) ("[E]xtraordinary writs {cannot be prejudicially determined} as used to substitute for appeals, where even though hardship may result from delay and perhaps unnecessary trial." (quoting *Banker's Life & Cas. Co. v. Holland*, 346 U.S. 379, 383 (1953))).

Circuit court jurisdiction to review decisions of the Veterans Court is limited by statute. Circuit court may review legal questions [refusal to act and/or unreasonable delay]; denial of due process; such as those related to the interpretation of constitutional and statutory provisions. 38 U.S.C. § 7292(c). Circuit court may not review factual determinations or applications of law to fact, except to the extent as appeal presents a constitutional issue. *Id.* § 7292(d)(2).

These statutory limits on our jurisdiction extends to our review of the Veterans Court's denial of a writ of mandamus. *Beasley v. Shinseki*, 709 F.3d 1154, 1157 (Fed. Cir. 2013). Just as a veteran's "choice to present [a] legal question {refusal to act and/or unreasonable delay} in a petition for mandamus does not deprive this court of jurisdiction," *Id.*, a veteran's choice to present a factual question or the application of law to fact in a petition for mandamus does not expand this court's jurisdiction.[2]

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[2] *FTC v. Dean Foods Co.*, 384 U.S. 597, 603 (1966) (the power to issue writs "extends to the potential jurisdiction of the

C. Statement of Issues and Omissions

Complainant-Appellant (Willie Williams) filed complaint of misconduct against Circuit Court Judges [Taranto, Bryson, & Cunningham] January 23, 2026 denial of Petition for Rehearing and Rehearing En Banc linked to panel of judges December 2, 2025 Judgment of Veterans Court case #24-1495 - Judge Joseph L. Falvey, Jr., opinion {Board authority to assign effective date or rating benefit over RO authority denying appealed effective date or award of a specific benefit} "The invalidation of a prior remanded Sec. 3.105 revision of decision regulation constitutes a "change in interpretation of law" under historical agency practices, for present purposes, history reveals that Judges must comply with Subpart A sec.19.4 "principle functions of the Board" note a category of error seems to encompass a subsequent "change in law" . . . or a change in interpretation of law." 38 C.F.R. § 3.105 (Cum. Supp. 1963) revision of decision; Where the Circuit Judges Note: "As the Veterans Court explained, however, the only decision before it on appeal was the Board's August 2, 2023 decision that found (in Williams favor) that May 12, 1998, [but no earlier] was the effective date for his service-connection claim.

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appellate court where an appeal is not then pending but may be later perfected")

EF v. Derwinski, 1 Vet. App. 324, 326 (1991) (Board must address all issues reasonably raised to it by appellant)

King v. Nicholson, 19 Vet. App. 406, 409 (2006) "[W]here Board 1998 assigned effective date award — did not have "subject matter jurisdiction."

Circuit Judges further Note: "In March, 2023 Board granted [Williams] right ankle disability 20% percent, effective as of March 25, 2002; and remanded the case to the RO. On remand, the regional office (RO) "denied an earlier effective date" and, [Williams] appealed that decision to the Board." Where Circuit Judges prejudicially attest: On August 2, 2023, the Board granted him an effective date of May 12, 1998, for his disability claim. Circuit Judges additionally attest: "Dissatisfied with Veterans Court decision [Williams] motion the Veterans Court for reconsideration of single judge decision that had prejudicially conceded: "The Veterans Court affirm Board's decision;" engaged in expeditious administration business of the court based on judges prejudicial opinion that attest beyond a reasonable doubt — Circuit Court Judge(s) jointly engaged in conduct prejudicial to the effective and expeditious administration of the business of the court.

Some circuit courts have allowed Article III courts to review certain facial constitutional challenges to the VA's general 38 C.F.R. § 3.105 revision of decision remanded claims review procedures because a "consideration of the constitutionality of the procedures in place . . . is different than a consideration of the decisions that emanate through the course of presentation of those claims. *See, e.g., Veterans for Common Sense v. Shinseki*, 678 F.3d 1013, 1034 (9th Circuit 2012). In other words, the power of an Article III court to review an action of the VA turns on whether the reviewing court would have to evaluate the propriety of an individual veteran's benefits determination. This distinction turns on the "substance" of a plaintiff's claim rather than the labels he assigns it.

Thomas v. Principi, 394 F.3d (D.C. Cir. 2005) at 975. Veteran may seek a declaratory Judgment {absent proper legal standard} court will not merely look to a particular clause in which general words may be used, but will take in connection appeal certification action or VA's general procedures undertaken by the VARO, BVA, CAVC during the adjudication of benefits claims violate veterans due process rights.

Denying to take due account of the rule of prejudicial error [now] presently intertwined with Williams "petition for extraordinary relief" before Circuit Court August 27, 2026 case #26-4686 notice of appeal from U.S. Court of Appeals for Veterans Claims assigned initial Judge Flavey case No. 24-1493 decision [now] returned to Circuit judges Taranto, Bryson and Cunningham that involve initial Judge Falvey June 18, 2026 prejudicial denial of Williams June 4, 2026 petition for extraordinary relief in the nature of writ of mandamus from Falvey April 2025 "false and fraudulent" single judge decision error in Judgment intertwined with an August 2, 2023 Board of Veterans Appeals May, 1998 service-connection award; contrary with required {Appeal Certification} applicability as follows.

Under 38 U.S.C. § 7292, the United States Court of Appeals for the Federal Circuit has jurisdiction over an appeal from a 1970 denial of a claim for veteran's benefits when the claimant's [CUE] appeal is based on 38 C.F.R. § 3.105 statutes and regulations that were not presented to, or relied upon by, the Court of Appeals for Veterans Claims. *See*; Federal Circuit [*Smith v. Brown*] 35 F.3d 1516 (Fed. Cir. Aug.12, 1994) (CUE) reversed CAVC misinterpreted § 3.105(a) rationale:

> ("In no event shall findings of fact made by the Secretary or the Board be subject to trial de novo by the Court."). The Court reviews an inquiry into the proper interpretation or application of law under the de novo standard of review, *See Butts v. Brown*, 5 Vet. App. 532, 539 (1993) (en banc); *see also*, *Hensley v. West*, 212 F.3d 1255, 1262-64 (Fed. Cir. 2000) (discussing proper application of de novo review). Generally, under this standard, the Court will not provide deference to the Board's conclusions of law. *Butt's*, 5 Vet. App. at 539; *cf. Id.* at 538 (reviewing the {assignment of a diagnostic code}; {effective date}; or {error} *de novo*, but applying the arbitrary and capricious standards of review). If relevant; *See, also Ledford v. Derwinski*, 3 Vet. App. 87 (1992) {diagnosis rendered on veteran's separation physical examination was incomplete} . . . *See*, *Evans v. Shinseki*, 25 Vet. App. 7, 16 (2011) ("[I]t is the [CAVC] & Board that are required to provide . . . an {accurate} and {complete} statement of reasons or bases, and the Secretary cannot make up for the failure to do so").

See United States v. Heirs of Boisdore, 49 U.S. (8 How.) 113, 122, 12 L.Ed. 1009 (1849):

> "[T]he court will not merely look to a particular clause in which general words may be used, but will take in connection with it the whole statute (or statutes on the same subject) and the objects and policy of the law, as indicated by its various provisions, and give such construction as will carry into

execution the will of the legislature . . . "

See also, Kokoszka v. Belford, 417 U.S. 642, 650, 94 S.Ct. 2431, 2436, 41 L.Ed.2d 374 (1974). (quoting *Brown v. Duchesne*, 60 U.S. (19 How.) 183, 194, 15 L.Ed. 595 (1857).

Only by such full reference to the context of the whole can the court find the plain meaning of a part. The goal is to identify "that permissible meaning which fits most logically and comfortably into the body of both previously and subsequently enacted law," etc.

D. Factual Background

On March 27, 2023 Board of Veterans Appeals Veterans Law Judge [D.M. Ames] cited the following remanded reasons for Williams appeal readjudication of: "An effective date earlier than March 25, 2002, for the award of service-connection for a right ankle disability;" VLJ Ames noted the following finding of fact:

Circuit judges attest: Veterans Court Judge Falvey case No. 24-1493 equally assert: "Williams arguments are unpersuasive, challenge decisions and issues not on appeal, and do not contain enough particularity for the Court to understand his contentions, we will affirm the Board decision." Falvey incorrectly denied 38 U.S.C. § 5103(a) applicability. *See Sanders v. Shinseki*, December 8, 2008 No. #07-1209 required VA notice (1) Information necessary; (2) Information VA will obtain; (3) Portion claimant must obtain. "Williams has not explained how, or pointed to evidence showing that, there was any communication from William to VA before May 1998 requesting service connection for right ankle strain disability, and has not met his

burden of showing error in the August 2023 Board decision on appeal."

> "When giving the Veteran the benefit of the doubt, the Veteran's right ankle disability manifests as marked limitation of motion," VLJ Ames referred to the following functional loss:
>
> > "A May 2021 private medical opinion from a podiatrist reported that the Veteran's ankle disability should be rated higher. The podiatrist reported that the Veteran has severe arthritic changes in the right ankle, severe limitations of range of motion, pain with palpation, severe difficulty walking with an altered gait pattern, and severe X ray changes. In May 2021 treatment record from the podiatrist showed 5 degrees or less of dorsiflexion and 10 degrees of plantar flexion. Veterans Law Judge attest: "Board applied this to the entire appeal period based on the benefit of the doubt doctrine."

VLJ Ames remand noted the following actions: Send the Veteran a statement of the case (SOC) that addresses the issue of an effective date earlier than March 25, 2002, for the award of service connection for a right ankle disability. If the. Veteran perfects an appeal by addressing a timely VA Form 9, the issue should be returned to the Board for further appellate consideration."

Congress has provided instruction on entitlement to service connection where Court April, 2025 affirmation of Board {EED} judges affirm denial allege based on William inability to plead with some particularity

the allegation of error;" is determined contrary with Secretary February, 2025 Brief that confirmed: "[O]n December 2008 Board issued a decision that denied service connection for right ankle disability "under any theory, whether direct secondary, or presumptive. [R. at 4446-48 (4439-56)].

Secretary Brief attest: "Following an appeal in Vet. App. #09-0177, the parties entered into a [JMPR] joint motion for partial remand that agreed that the Board failed to provide an adequate statement of reasons and bases as to Williams lay statements regarding his right ankle condition. [R.at 4431 (4429-33)]. The Court granted June 2009 [JMPR] and issued remand order and mandate in June 2009. Veterans court April, 2025 memorandum failed to credit Williams for timely compliance with Veterans Administration yearly benefits correspondence as follow: January, 2010 remand; reply to RO April, 2011 SSOC; August 2011 Board remand followed by RO September 2011 addendum opinion; followed by RO December, 2011 SSOC; followed by April 2012 Board remand; followed by RO April 2013 SSOC; followed by Board November 2013 grant of service-connection for right ankle disability; followed by Williams December 2013 [NOD]; followed by Board November 2017 remand for increased right ankle disability; followed by Board July 2019 grant of initial 10% percent evaluation; followed by Court April, 2020 remand; followed by a series of right ankle Board August 2021 disability remand; Board May 2022 remand; Board March 2023 remand; Board August 2023 grant of 1998 right ankle disability effective date service-connection; ALL inextricably intertwined to RO June, 2021 denied rating in excess of 10% right ankle disability; RO January

2022 continued 10% rating; RO April 2023 denied earlier effective date; {1521} former disposition of the claim." *Id. §* 5108."

Circuit Court [failed to *assure*] that the Veterans Court April 14, 2025 single judge Falvey and May 30, 2025 panel of judge(s) (Allen, Pietsch, Bartley, Greenberg, Meredith, Toth, Falvey, Laurer, Jaquith) decision on denial of Full Court review- complied with precedent *Bethea v. Principi*, 2 Vet. App. 252 (1992) ("holding that panel or single judge may not render decisions that materially conflict with earlier single judge [Vet. App. 19-5666] panel or en banc decision or a Veteran constitutional rights);" where [ROP] records of proceedings demonstrate single judge, panel of judges, and/or full court Judge(s) "maliciously" overlooked concept of "*res judicata*" importance of finality [New and Material evidence] Secretary Brief proof of prior 1998 subject matter in prior consecutive [Williams] #19-5666 series of remanded decisions.

The Department of Veterans Affairs (VA) statutory duty is to help a veteran develop a benefits claim, the Secretary of Veterans Affairs (Secretary) must notify an applicant of any information or evidence that is necessary to substantiate the claim. 38 U.S.C. § 5103(a). VA actions in this case violates 38 U.S.C. § 5103(a)(1) as, in this case, VA engaged in conspiratorial conduct, systemic and clandestine misapplication of disability regulations involving fraud, concealment of evidence, material misrepresentations and omissions in an alleged decision making in Extraordinary Awards. Outcome in this case is absurd. "The government's interest in veterans' cases is not that it shall win, but rather that justice shall be done." *Barrett v. Nicholson*, 466 F.3d 1038, 1044 (Fed. Cir. 2006).

The Court of Appeals for Veterans Claims (Veterans Court) which hears initial appeals from VA claims decisions, has a statutory duty to "take due account of the rules of prejudicial error." 38 U.S.C. § 7261(b)(2)

[Williams] "initially" appealed to the United States Court of Appeals for the Federal Circuit from the United States Court of Appeals for Veterans Claims July 8, 2026 Panel of Judges Allen, Falvey and Laurer Per Curiam Order that jointly attest that Falvey single judge decision {remains decision of the court}. [Williams] argue that Veterans Court panel review conflict with prior precedent CAVC July 30, 2015 No.15-2059 issued by Judge Pietsch that noted Board required [Section 20.200] Appeal Certification as follow: "The petitioner cannot obtain a Board August, 2023 review of the effective date assigned to his disability benefits because the RO record has determined that Williams did not submit required substantive Appeal. Judge Pietsch prior precedent 2015 Court decision similarly attest: RO's April, 2023 [SOC] decision legally precludes it from certifying the petitioner's appeal and forwarding it to the Board; intertwined with Court June, 2026 Order that cannot order Board August, 2023 review to do so. See, *FTC v. Dean Foods Co.*, 384 U.S. 597, 603 (1966) (the power to issue writs "extends to the potential jurisdiction of the appellate court where an appeal is not then pending but may be later perfected"). See also, *Lamb v. Principi*, 284 F.3d 1378, 1384 (Fed. Cir. 2002) ("[E]xtraordinary writs {cannot be prejudicially determined} as used to substitute for appeals, where even though hardship may result from delay and perhaps

unnecessary trial." (quoting *Banker's Life & Cas. Co. v. Holland*, 346 U.S. 379, 383 (1953))).

REASONS FOR GRANTING THE PETITION

This case is an ideal vehicle to decide a question of national importance which affect millions of veterans and their families, and is inextricably intertwined with prior Supreme Court Justices June 15, 2022 dissenting opinion in *George v. McDonough* as follow: "It risk insulating countless other decisions in which the Department has wrongly denied veteran benefits based on self-serving regulations inconsistent with Congress instructions. *See, e.g.*, Brief for National Veterans Legal Services Program et al. as *Amici Curiae* 15-27; Brief for Swords to Plowshares et al. as *Amici Curiae* 19-20. Veterans already face challenges enough in dealing with the Department. On average, the agency takes seven years to process their administrative appeals. *See*, Brief for National Law School Veterans Clinic Consortium as *Amicus Curiae* 18. Over the past five years, it seems that the Veterans Court has affirmed less than 10% percent of the agency's decisions. *See ibid.* Internal audits have revealed massive numbers of improperly denied claims. *See id.*, at 19. I would not add to these problems by shielding the Department from the inconvenience of having to answer for its own clear and unmistakable errors. Respectfully, I dissent.

The First Amendment protects the rights of every American to meaningful access to the Courts to confront government wrongdoing, certainly veterans are entitled

to the same fairness and honest application of the rules of law.

CONCLUSION

For the above foregoing reasons, the petition for a writ of certiorari before judgment should be granted, and appropriate actions taken.

Respectfully submitted,

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