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UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

No. 19-5066

ANDREW MORRISON, APPELLANT,

v.

ROBERT L. WILKIE,
SECRETARY OF VETERANS AFFAIRS, APPELLEE.

Before MEREDITH, *Judge*.

MEMORANDUM DECISION

*Note: Pursuant to U.S. Vet. App. R. 30(a),
this action may not be cited as precedent.*

MEREDITH, *Judge*: The self-represented appellant, Andrew Morrison, appeals a May 2, 2019, Board of Veterans' Appeals (Board) decision that denied entitlement to benefits for bilateral shoulder, elbow, and knee disabilities; right hand, neck, and heart disabilities; hypertension; headaches; bronchial cancer; a blood disorder; and a traumatic brain injury (TBI). Record (R.) at 4-24. The Board also determined that new and material evidence had not been received to reopen previously denied claims for benefits for a dental condition and an acquired psychiatric disability. In his informal brief, the appellant indicates that he challenges only the Board's denial of benefits for bilateral knee disabilities, a right hand disability, bronchial cancer, and a TBI, as well as the denial of his request to reopen a claim for benefits for a dental condition. Appellant's Informal Brief (Br.) at 1. The Court therefore considers abandoned any appeal of the Board's denial of benefits for bilateral shoulder and elbow disabilities, neck and heart disabilities, hypertension, headaches, and a blood disorder, as well as the Board's denial of his request to reopen a claim for benefits for an acquired psychiatric disability. *See Pederson v. McDonald*, 27 Vet.App. 276, 285 (2015) (en banc). The appeal as to those matters will be dismissed.

This appeal is timely, and the Court has jurisdiction to review the Board's decision pursuant to 38 U.S.C. §§ 7252(a) and 7266(a). Single-judge disposition is appropriate. *See Frankel*

v. Derwinski, 1 Vet.App. 23, 25-26 (1990). For the following reasons, the Court will affirm the Board's denial of benefits for bilateral knee disabilities, a right hand disability, bronchial cancer, and a TBI, as well as the denial of his request to reopen a claim for benefits for a dental condition.

I. BACKGROUND

The appellant served on active duty in the U.S. Navy from September 1973 to March 1975. R. at 1854, 2473. In December 2014, a VA regional office (RO) denied claims for benefits for (1) a blood disorder, (2) bilateral elbow conditions, (3) heart disease, (4) hypertension, (5) a neck condition, (6) bilateral hand conditions, (7) bilateral shoulder conditions, (8) bilateral knee disabilities, (9) paranoid schizophrenia, (10) residuals of bronchial cancer, (11) a TBI with forgetfulness and inability to concentrate, and (12) headaches. R. at 1213-24. Additionally, the RO reopened the previously denied claim for benefits for an acquired psychiatric disability, but denied it on the merits, and declined to reopen the previously denied claim for benefits for a dental condition. R. at 1223-24. The appellant filed a Notice of Disagreement with that decision, R. at 1185-86, and ultimately appealed to the Board, R. at 257-58.

The Board issued the decision on appeal in May 2019, denying the appellant's claims for benefits for bilateral knee disabilities, a right hand disability, bronchial cancer, and a TBI, and denying his request to reopen the claim for benefits for a dental condition. R. at 4-24. This appeal followed.

II. ANALYSIS

In his informal brief, which the Court construes liberally, *see De Perez v. Derwinski*, 2 Vet.App. 85, 86 (1992), the appellant raises no specific arguments regarding the Board's decision. Instead, he lists multiple pages from the record of proceedings, Appellant's Informal Br. at 1-2, and asks the Court to "fill out" his Form DD-214 or DD-215 "completely," Appellant's Informal Br. at 3. The Secretary contends that the appellant has not carried his burden of demonstrating error and urges the Court to affirm the Board decision. Secretary's Br. at 5-13.

On appeal to this Court, the appellant "always bears the burden of persuasion." *Berger v. Brown*, 10 Vet.App. 166, 169 (1997); *see Hilkert v. West*, 12 Vet.App. 145, 151 (1999) (en banc), *aff'd per curiam*, 232 F.3d 908 (Fed. Cir. 2000) (table). Here, the appellant raises no specific argument contesting any aspect of the Board's decision. *See Coker v. Nicholson*, 19 Vet.App. 439,

442 (2006) (per curiam) ("The Court requires that an appellant plead with some particularity the allegation of error so that the Court is able to review and assess the validity of the appellant's arguments."), *vacated on other grounds sub nom. Coker v. Peake*, 310 F. App'x 371 (Fed. Cir. 2008) (per curiam order); *see also Locklear v. Nicholson*, 20 Vet.App. 410, 416 (2006) (Court unable to find error when arguments are undeveloped). Although, as noted above, the Court liberally construes arguments made by pro se appellants, *De Perez*, 2 Vet.App. at 86, they must nevertheless raise specific arguments demonstrating perceived Board error, *see Coker*, 19 Vet.App. at 442 (citing *Hernandez v. Starbuck*, 69 F.3d 1089, 1093 (10th Cir. 1995) (holding that the appellant, who comes to the court of appeals as the challenger of the underlying decision, "bears the burden of demonstrating the alleged error and the precise relief sought" and, where the appellant fails to meet this burden, the "court of appeals is not required to manufacture" the appellant's argument)).

The appellant's general disagreement with the Board's decision, without argument, is insufficient to demonstrate that the Board's findings were clearly erroneous or otherwise inadequately explained. *See Russo v. Brown*, 9 Vet.App. 46, 50 (1996) (holding that whether the record establishes entitlement to service connection is a finding of fact, which the Court reviews under the "clearly erroneous" standard of review); *see also Allday v. Brown*, 7 Vet.App. 517, 527 (1995) (the Board must provide a statement of the reasons or bases for its determination "adequate to enable a claimant to understand the precise basis for the Board's decision, as well as to facilitate review in this Court"). Thus, the Court will affirm the Board's decision.

The Court acknowledges the appellant's request that the Court fill out his Form DD-214 or DD-215. Appellant's Informal Br. at 3. The Court, however, lacks the authority to provide such relief. *See Lauginiger v. Brown*, 4 Vet.App. 214, 216 (1993) (holding that a DD Form is a "document furnished to the VA by the [service department]," and, "[t]o the extent that the document may be incomplete, it is the [service department], not the VA, to whom appellant must look for relief under the appropriate provision for correction of military records" (citing 10 U.S.C. § 1552(a)(1))); *see also DeSousa v. Gober*, 10 Vet.App. 461, 463 (1997) (concluding that issues related to a veteran's discharge must be presented to the service board for correction of military records).

III. CONCLUSION

The appeal of the Board's May 2, 2019, decision denying entitlement to benefits for bilateral shoulder and elbow disabilities, neck and heart disabilities, hypertension, headaches, and a blood disorder, and his request to reopen a claim for benefits for an acquired psychiatric disability is DISMISSED. After consideration of the parties' pleadings and a review of the record, the Board's decision denying entitlement to benefits for bilateral knee disabilities, a right hand disability, bronchial cancer, and a TBI, and his request to reopen a claim for benefits for a dental condition is AFFIRMED.

DATED: April 27, 2020

Copies to:

Andrew Morrison

VA General Counsel (027)