

*Not published*

**UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS**

No. 18-7225

DAVID L. BAUGHMAN ,

APPELLANT,

v.

ROBERT L. WILKIE,  
SECRETARY OF VETERANS AFFAIRS,

APPELLEE.

Before TOTH, *Judge*.

**ORDER**

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

In September 2018, the Board found that David L. Baughman was not entitled to an effective date earlier than November 13, 2001, for compensation for PTSD, as there was no evidence he filed an earlier claim. Mr. Baughman appealed to this Court, which affirmed the Board's decision. He timely filed a motion for reconsideration, asserting that he received no assistance from an attorney and that VA denied his claim on false pretenses. Mr. Baughman requests that the Court stay the case and allow him to file a new brief when he obtains additional evidence.

An appellant requesting reconsideration of a decision by the Court must demonstrate that (1) the single-judge order overlooked or misunderstood a fact or point of law prejudicial to the outcome of the appeal, (2) there is a conflict with precedential decisions of the Court, or (3) the appeal otherwise raises an issue warranting a precedential decision. U.S. VET. APP. R. 35(e); *see also Frankel v. Derwinski*, 1 Vet.App. 23, 25–26 (1990).

Although the Court sympathizes with Mr. Baughman, it cannot grant his motion for reconsideration absent a valid basis. He does not allege that the Court overlooked or misunderstood a specific fact or law prejudicial to his appeal, or argue that this case raised a legal issue warranting a precedential decision or that it conflicted with earlier precedent. For these reasons, Mr. Baughman hasn't shown that he's entitled to reconsideration. However, if Mr. Baughman is able to find evidence documenting an earlier claim for PTSD, he is free to submit that to VA in the future. However, holding his claim open indefinitely is not something the Court can do.

Upon consideration of the foregoing, it is

ORDERED that the motion for reconsideration is denied.

DATED: May 27, 2020

BY THE COURT:

A handwritten signature in blue ink, appearing to read 'Joe Toth', is written over the printed name.

JOSEPH L. TOTH

Judge

Copies to:

David L. Baughman

VA General Counsel (027)