

**THE UNITED STATES COURT OF APPEALS
FOR VETERANS CLAIMS
625 INDIANA AVENUE, N.W. SUITE 900
WASHINGTON, D.C. 20004**

JOHNNY R. MARTINEZ,
Appellant,

v.

ROBERT L. WILKIE,
Secretary Veterans Affairs,
Appellee.

No. 19-4135

**RECEIVED
NOTICE OF APPEAL**

JUL 10 2020

*United States Court of Appeals
For The Federal Circuit*

Notice is hereby given that Johnny R. Martinez party in the above named case hereby appeal to the U.S. Court of Appeals for the Federal Circuit, from a U.S. Court of Appeals for Veterans Claims June 5, 2020 {panel of judges, that include Judge Meredith} ORDER that prejudicially Affirmed an April 28, 2020 Judge Meredith Memorandum Decision of Veteran appeal with Board of Veterans Appeals May 17, 2019 decision; that found:

- (1) No CUE in RO incorrectly applied **38 CFR section 3.307 & 3.303(b)** March 1980 rating decision denying Veteran entitled [presumptive] service connection for: "right wrist pain and dislocation" allegedly because condition was not listed in 38 CFR section 3.309;
- (2) No CUE in RO March, 1980 & February 2009 decision denying Veteran service connection for: *Spondylosis of the thoracic spine without radiculopathy, filed September 2008 determined not entitled to **38 CFR section 3.307** {presumptive service connection}; and contrary to [R.at pg.598 & pg.600] VA November 7, 2008 letter on receipt of entry & separation service treatment records;
- (3) No CUE in RO March, 1980 & February 2009 decision denying Veteran service connection for: *Right hip DJD; *Left knee, DJD; *Left ankle, DJD; determined not entitled to **38 CFR section 3.307** {presumptive service connection}; or **38 CFR section 3.310(a)** {secondary service connection} linked to *back condition, & *residuals of toenail removal; and contrary to VA November 7, 2008 letter on receipt of entry & separation service treatment records;

(4) No CUE in RO March, 1980 & February 2009 decision denying Veteran service connection for: *Gastroesophageal reflux; *Asthma; *Erectile dysfunction determined not entitled to **38 CFR section 3.307** {presumptive service connection} and contrary to VA November 7, 2008 letter on receipt of veteran entry & separation service treatment records;

(5) No CUE in RO March, 1980 decision denying service connection for: *Residuals of #3 tooth (inner piece wire left in root canal; and determined not entitled to **38 CFR section 3.307** {presumptive service connection}, and contrary to VA November 7, 2008 letter on receipt of veteran entry & separation service treatment records;

(6) No CUE in RO March, 1980 & February 2009 decision denying Veteran service connection for: *Bilateral hearing loss, claimed on September 23, 2008 to include (EED) and higher evaluation rating for impaired hearing due to *Meniere's syndrome, and *tinnitus; contrary to **38 CFR section 3.310 & 3.310(a)** secondary aggravation linked to section 4.87 {DC6205} hearing impairment;

(7) No CUE in RO March, 1980; & February 2009 & October 2012 decision denying service connection for "Tinnitus" and (EED) earlier effective date of (September 2008) rather than assigned February 29, 2012.

ORDER entered by panel of judges Allen, Meredith, Toth; on June 5, 2020.

Johnny R. Montez
SIGNATURE OF APPELLANT
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